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BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF: )  
 )  
REGULAR MONTHLY BUSINESS )  
MEETING )  
 )

## TRANSCRIPT OF PROCEEDINGS

February 23, 2000

9:30 A.M.

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REPORTED BY:  
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1 SACRAMENTO, CALIFORNIA, FEBRUARY 23, 2000 - 9:30 A.M.

2 \* \* \* \* \*

3 CHAIRMAN EATON: Good morning, everyone,

4 and welcome to the February 23rd meeting of the California  
5 Integrated Waste Management Board. We are not in Santa  
6 Clarita as we're supposed to be, which this Board meeting  
7 was going to be. Just for announcement, we will be there  
8 next month. We just switched it for administrative  
9 purposes.

10 Madam Secretary, please call the roll.

11 BOARD SECRETARY: Board Members Jones.

12 BOARD MEMBER JONES: Here.

13 BOARD SECRETARY: Moulton-Patterson.

14 BOARD MEMBER MOULTON-PATTERSON: Here.

15 BOARD SECRETARY: Pennington.

16 BOARD MEMBER PENNINGTON: Here.

17 BOARD SECRETARY: Roberti.

18 Chairman Eaton.

19 CHAIRMAN EATON: Here.

20 Quorum is present. We'll begin business  
21 until the Senator gets here.

22 Members, ex parte communications. I just  
23 have a few that I have not reported. I will, as in past  
24 practices, announce those and see if you've gotten the  
25 same ones, in which case you can just indicate that you,

1 too, also received those.

2 First is a letter from Francesca Vietor  
3 from the Department of the Environment, City and County of  
4 San Francisco, regarding the RAB ordinance; Rob Clark from  
5 the City of Avalon regarding a compliance order; the other  
6 thing was just normal communication with Art Daggett from  
7 the Water Board just on general waste issues; and then  
  
8 from the Department of Conservation, Jim Ferguson, Scott  
9 Dosik (phonetic), Darryl Young, that's D-a-r-r-y-l,  
10 regarding just general waste issues, and that's all I  
11 have.

12 Mr. Pennington.

13 BOARD MEMBER PENNINGTON: Mr. Chairman, I  
14 just have a letter, and you may have said this, I was  
15 distracted, from Bruce Kern, Executive Director of the  
16 Economic Development Alliance for Business on continuing  
17 Item B. That's all I've got to report.

18 CHAIRMAN EATON: Mr. Jones.

19 BOARD MEMBER JONES: Thank you,  
20 Mr. Chairman. Just a few, Assembly Member Virginia  
21 Strom-Martin on Jacoby Creek on the 8th; one on the 18th,  
22 Robert Clark, City Manager of the City of Avalon; and Jana  
23 Narron (phonetic) and Karen Barstow on the tire manifest  
24 system; Dan Gallagher on the Victorville composting  
25 facility; John Cupps on AB 939 report and Item Number 34,

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1 and I think that's it. Probably said "hello" to a few  
2 people.

3 CHAIRMAN EATON: I also spoke with  
4 Mr. Cupps, but just to razz him.

5 Ms. Moulton-Patterson.

6 BOARD MEMBER MOULTON-PATTERSON: Thank you,  
7 Mr. Chair. I received a letter from Stacy Cavote  
8 (phonetic) regarding the South Bay Business Environmental  
9 Coalition's environmental science fair, and I also said  
10 "hello" to Dave Alt.

11 CHAIRMAN EATON: Okay. For those of you  
12 who are in the audience either for the first time or  
13 haven't been here in a while, the process has been the  
14 same for a long time. There are speaker request forms on  
15 the back table. If you desire to speak on any issue on  
16 today's agenda, if you'll kindly just fill out one of  
17 those forms and put the number or numbers that you desire  
18 to speak on and bring it up to Lisa Dominguez, who is on  
19 my left and for most of you on your right. She'll make  
20 sure to let us know of your desire to address the Board on  
21 that particular item.

22 We have a long agenda over today and  
23 possibly tomorrow, but before we begin that, if there are  
24 any Board Members that have any reports they would like to  
25 bring up. Mr. Pennington will have something to say later

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1 on, but any other reports, Mr. Pennington?

2 BOARD MEMBER PENNINGTON: No,  
3 Mr. Chairman. Thank you.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: Mr. Chairman, just  
6 real quick ones. On January 27th, the Rubber Paving  
7 Association -- actually, at your request I went to this  
8 meeting. Rubber Paving Association --

9 CHAIRMAN EATON: It wasn't a bad  
10 assignment, Mr. Jones.

11 BOARD MEMBER JONES: No. It was in  
12 Monterey. It worked out good for me. I'm not  
13 complaining.

14 (Laughter)

15 BOARD MEMBER JONES: The Board was  
16 presented with an award from the Rubber Paving Association  
17 being recognized for the establishment of the nation's  
18 most aggressive and successful market development program  
19 for the use of scrap tire rubber in asphalt pavement and  
20 other civil engineering uses.

21 This was a nationwide event. There were  
22 people getting awards from Texas, Arizona, all over the  
23 place. California was recognized for our program. So I  
24 think all the Board and the staff can feel good about that  
25 and I'll present that to you.

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1                   At the same time we heard some good news  
2 from our keynote speaker, who is the manager of  
3 maintenance for Caltrans, that every region in the state  
4 of California now has put together -- has put forward a  
5 maintenance program that includes rubber paving asphalt.  
6 Two are dealing with some air issues, but every region is  
7 going to have rubber asphalt and that's in direct  
8 correlation to a trip that our staff went on along with  
9 them where they saw the performance, and those managers  
10 have a higher comfort level.

11                   I attended the America Recycles Day  
12 planning retreat in Nashville, Tennessee, which was a  
13 nationwide meeting on the efforts of America Recycles Day,  
14 and I know we, as a Board, had asked Board Member  
15 Moulton-Patterson to take over the State's effort for my  
16 benefit. We made that motion pretty close to the end of  
17 January, so I was able to go to Nashville, but they're  
18 working hard to try to bring the level of this up. It was  
19 a good meeting and obviously fits right into our strategic  
20 plan.

21                   Then on the 17th we convened a meeting on a  
22 proposed new tire manifest system here at the Board where  
23 we had stakeholders informing us of the different issues  
24 within their operations so we can try to figure out a more  
25 succinct way to account for tires from cradle to grave.

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1 We're not there yet. A lot of issues came up that we have  
2 not got our arms around and it's going to take some work.

3 So thank you, Mr. Chair.

4 CHAIRMAN EATON: Thank you.

5 Ms. Moulton-Patterson.

6 BOARD MEMBER MOULTON-PATTERSON: Thank you,  
7 Mr. Chair. On January 31st, it was my pleasure to present  
8 the WRAP award to Unisys down in San Diego, and they're  
9 doing really wonderful things and they were very deserving  
10 and they're very proud of their efforts. So that was a  
11 great experience.

12 I also attended the Los Angeles Unified  
13 School District green building in Downey that we were a  
14 sponsor of. I now feel that I could actually build a  
15 green building. In all seriousness, though, it was really  
16 neat to see all the enthusiasm. There was 121 architects  
17 and me. Anyway, it was very interesting, a lot of  
18 enthusiasm.

19 I also visited the Upper Valley  
20 composting facility in Napa.

21 CHAIRMAN EATON: And just as a quick  
22 report, I spent the last couple of weeks traveling, at  
23 least in northern California, where we have begun the  
24 Senate Bill 1066 workshop and remind those of you in the  
25 audience who may not have been able to attend any of those

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1 in your local area that we will be continuing those.  
2 Beginning again next week, we swing through Santa Clara,  
3 Fresno, and then we head down into southern California,  
4 which I believe includes Costa Mesa, Burbank, Palm Springs  
5 and San Diego.

6                   Those have been going very well. The  
7 attendance has been, depending upon the jurisdiction,  
8 pretty well represented, and I think that it only confirms  
9 what we had already suspected, that the anxiety level is  
10 extremely high but that there are a lot of jurisdictions  
11 out there who are not only supportive of what has taken  
12 place with regard to not only Board actions but their  
13 local jurisdictions' actions. And I think that the  
14 process and the kinds of comments that we have received  
15 will make the eventual process by which those of you who  
16 desire to come in and seek an extension regarding the 939  
17 requirements will be very, very pleased at the process  
18 that will ultimately be developed and hopefully some of  
19 the ideas for minimizing some of the paperwork, minimizing  
20 some of the time that it will take to process it.

21                   The most interesting perspective has been  
22 that the jurisdictions are split right down the middle as  
23 whether they should come in early or wait until the end,  
24 and they've had some good dialogue as to why it's been  
25 beneficial that they wait or come in at the beginning. In

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1 other words, they've given those who have conducted the  
2 workshops a lot of ideas on how that process should be  
3 accomplished.

4 I hope that those of you who haven't been  
5 able to attend any of those workshops will attend those  
6 and that they -- if you need a schedule, perhaps maybe at  
7 today's break we can get the Planning Department to bring  
8 some of those schedules and put them in the back.  
9 They're already in the back, Mark Leary. See what happens  
10 when you're in the private sector? You're very prepared  
11 and we appreciate that. Keep it up.

12 We will then be on the road again, so to  
13 speak. So that's there and I encourage you all to attend  
14 those meetings. They are very, very helpful.

15 All right. Mr. Chandler, not to be  
16 forgotten, ever.

17 MR. CHANDLER: Thank you, Mr. Chairman.

18 Good morning. I did want to touch on a  
19 couple of workshops that have already been mentioned. I  
20 think I will just lead with your good summary,  
21 Mr. Chairman, no further remarks on the 1066 workshops.  
22 As you've pointed out, I think they've been successful in  
23 that we've heard a wide variety of comments and I  
24 appreciate both your and Board Member Jones's attendance  
25 as we travel the state and get the word out on how we're

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1 looking at the time extensions for the goal year.

2 I would like to talk about the LAO report  
3 and then I'll mention briefly a few more remarks on the  
4 workshop that Ms. Moulton-Patterson addressed earlier, and  
5 that is that last week the Legislative Analyst's Office  
6 issued its annual review of the Governor's budget, and I'm  
7 pleased to report that the only issue relating to the  
8 Waste Board concerned the report to the legislature on the  
9 Board's progress in meeting the requirements of AB 939.

10 The LAO said that the information in the  
11 report was needed to help the legislature evaluate the  
12 Board's budget proposals while recognizing that the report  
13 would be submitted March 1st. As you know, we heard that  
14 report in draft form last month and are slated to take up  
15 the review of the report and consideration for approval  
16 later in this month's agenda.

17 Speaking of the L.A. Unified School  
18 District's green building workshop, let me just say a  
19 little bit more about that effort. Over the next six  
20 years, the L.A. Unified School District will be facing the  
21 need of building 150 new schools and renovating numerous  
22 facilities. \$2 billion are budgeted for all of these  
23 projects. At the request of the District, the green  
24 building task force members and their consultants  
25 organized and conducted what we refer to as a one-day

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1 green building design and construction workshop which we  
2 held last February 16th.

3                   State level expertise ranged from indoor  
4 air quality and green materials to water conservation. As  
5 Ms. Patterson mentioned, over 120 engineers and  
6 architects, including herself, attended the one-day green  
7 schools workshop. Marv Taft, who was the director of the  
8 new facilities design, and her deputy were some of the key  
9 decision makers actively involved in the workshop from the  
10 district. And to underscore what I'm talking about, on  
11 February 9th the Los Angeles Times ran an article  
12 reporting the recent study conducted in Orange County that  
13 found that elementary school students in classrooms with  
14 more natural illumination scored up to 26 percent higher  
15 on standardized tests in reading and 20 percent higher in  
16 math.

17                   This event was viewed by all attended as  
18 very productive and generated many consensus-based  
19 recommendations for greening the district and also  
20 underscored a number of barriers and past practices that  
21 needed to be addressed in order for sustainable design  
22 measures to succeed and be implemented.

23                   I believe the momentum built through this  
24 workshop presents two major opportunities. First of all,  
25 I think it's an excellent chance for Board Member

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1 involvement by following up with key district decision  
2 makers to ensure their interests and our investment  
3 translates into action. Second of all, other school  
4 districts around the state are facing similar challenges.  
5 Our consultant, David Godfried, has informed me that as a  
6 direct result of last week's workshop, he's already been  
7 contacted by SDG&E in their efforts to work in the San  
8 Diego area with some of the new school districts being  
9 designed and built.

10                   One of the main outcomes from the L.A.  
11 green building workshop will be a practical guide to  
12 sustainable building strategies for schools and this guide  
13 will be useful for other districts around the state to  
14 model and share our resources. Most importantly, I think  
15 it underscores our efforts to continue to find ways in  
16 which we can build long-term sustainable markets for the  
17 materials being diverted through our efforts and the  
18 efforts of local governments and industry.

19                   Thank you.

20                   CHAIRMAN EATON: Any questions for  
21 Mr. Chandler? Thank you, Mr. Chandler. All right.

22                   Consent calendar, and Members, before we  
23 begin the consent calendar, what's being proposed for  
24 consent today are Items 5, 6, 9, 11, 13, 17, 21, 28, 31,  
25 34, 35, 36, 37, 38, 39, 46, 55 and 58. Before we bring a

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1 motion forward, if we could separate Item Number 55 out  
2 and make it a separate part of a consent calendar. The  
3 reason is there was an inadvertent notice emission, it's  
4 my understanding, and that contained within Item Number 55  
5 there were two jurisdictions that were not properly  
6 noticed and as such are not eligible for consideration  
7 today. In addition, they are included in the resolution,  
8 so I want to do that resolution separate so that we don't  
9 have any problem with that particular motion.

10 BOARD MEMBER PENNINGTON: Mr. Chairman.

11 CHAIRMAN EATON: Mr. Pennington.

12 BOARD MEMBER PENNINGTON: I'll move  
13 adoption of the consent calendar with the exception of  
14 Item 55.

15 CHAIRMAN EATON: Okay.

16 BOARD MEMBER MOULTON-PATTERSON: Second.

17 CHAIRMAN EATON: Mr. Pennington moves and  
18 Ms. Moulton-Patterson seconds that we adopt the consent  
19 calendar consisting of Items 5, 6, 9, 11, 13, 17, 21, 28,  
20 31, 34, 35, 36, 37, 38, 39, 46 and 58.

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: Mr. Jones.

23 BOARD MEMBER JONES: I don't want to pull  
24 anything off the consent calendar, but after we take the  
25 vote I would like to make one comment on 34, please.

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1                   CHAIRMAN EATON: Absolutely.  
2                   Madam Secretary, please call the roll.  
3                   BOARD SECRETARY: Board Members Jones.  
4                   BOARD MEMBER JONES: Aye.  
5                   BOARD SECRETARY: Moulton-Patterson.  
6                   BOARD MEMBER MOULTON-PATTERSON: Aye.  
7                   BOARD SECRETARY: Pennington.  
8                   BOARD MEMBER PENNINGTON: Aye.  
9                   BOARD SECRETARY: Roberti.  
10                  Chairman Eaton.  
11                  CHAIRMAN EATON: Aye.  
12                  Madam Secretary, we'll leave the roll open  
13 for Mr. Roberti when he gets here so he can add on.  
14                  Mr. Jones.  
15                  BOARD MEMBER JONES: Mr. Chairman, it's  
16 come to my attention, and I think it reflects the change  
17 in this new item, that one of the tasks that's going to be  
18 part of the scope of work is to look at the incremental  
19 costs and environmental protection benefits associated  
20 with expansions for both vertical and horizontal. One of  
21 the offices talked about horizontal, and I think that's  
22 obvious, but vertical expansion over unlined sites needs  
23 to be at least quantified, and I think it is part of the  
24 new scope of work and I just want to get a nod that that's  
25 it because we need to assess that piece of it. I think

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1 this is a very important process.

2                   Subtitle D is open right now for comment on  
3 the national level as to do the requirements or are there  
4 pieces of Subtitle D that need to be looked at. I think  
5 this study is critical in our efforts to see if, as we've  
6 moved down the line, that ten years that since this  
7 date -- or actually I guess a lot longer than that -- but  
8 the seven years since we were approved by the federal  
9 government to run our own solid waste programs to look at  
10 the regionality issues, the climate issues, and what those  
11 impacts are for the waste that is decomposing and at what  
12 rate and when are we going to see gas issues, what are the  
13 other issues that come along with landfills and do we have  
14 the right kind of state minimum standards to really ensure  
15 environmental protection.

16                   So I think this is a critical study that is  
17 appropriate that it's on consent, but it needed to have  
18 the attention drawn to it that this could be the next step  
19 in what is a natural progression of how we manage solid  
20 waste in this state.

21                   So thank you, Mr. Chairman.

22                   CHAIRMAN EATON: Thank you, Mr. Jones. All  
23 right.

24                   The one remaining item in the second  
25 consent calendar would be Item Number 55, and that would

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1 be with the deletion on Resolution Number 2000-96 as  
2 amended, which would delete Madera County unincorporated  
3 and Vacaville. Those two items do have not problems. As  
4 far as I know, they will just be heard due to a noticing  
5 problem next month at our meeting and be placed on the  
6 consent calendar is my understanding.

7 Mr. Chandler.

8 MR. CHANDLER: I don't mean to interrupt  
9 you. I would like to point out a couple of items that  
10 we're pulling from the agenda at the appropriate time.

11 CHAIRMAN EATON: That will be next so we  
12 will get to those.

13 Without objection, I would move that we  
14 adopt the second consent calendar consisting of Item 55 as  
15 amended, which would delete Madera County unincorporated  
16 and Vacaville from Resolution 2000-96. Can I have a  
17 second?

18 BOARD MEMBER PENNINGTON: Second.

19 CHAIRMAN EATON: Mr. Eaton moves and  
20 Mr. Pennington seconds that we adopt Resolution 2000-96 as  
21 amended.

22 Madam Secretary, will you please call the  
23 roll since we don't have a full body here.

24 BOARD SECRETARY: Board Members Jones.

25 BOARD MEMBER JONES: Aye.

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1 BOARD SECRETARY: Moulton-Patterson.

2 BOARD MEMBER MOULTON-PATTERSON: Aye.

3 BOARD SECRETARY: Pennington.

4 BOARD MEMBER PENNINGTON: Aye.

5 BOARD SECRETARY: Roberti.

6 Chairman Eaton.

7 CHAIRMAN EATON: Aye. Okay.

8 Mr. Chandler, I would be happy or --

9 MR. CHANDLER: I think our notes are

10 consistent on this, but let me just say I believe all the  
11 published agendas do show Item 7 being pulled, at least  
12 mine does, and for the audience's benefit Item 7 is being  
13 pulled. Item Number 24, we will hear that later, perhaps  
14 in early April along with an item the Legal Office is  
15 preparing on our hearing procedures. So Item 24 is being  
16 pulled, and late developments on Item 29 necessitates that  
17 that item be pulled. That was a proposed cleanup for the  
18 City of Lindsay at a burn dump site. We're continuing to  
19 look at some site analysis work there that shows that we  
20 may be needing to defer this site to the Department of  
21 Toxics, so I'm recommending that that item be pulled as  
22 well.

23 CHAIRMAN EATON: Any objection? Hearing  
24 none, so shall be ordered. Items 7, 24 and 29 will be  
25 pulled from today's agenda. Also, Members, Item Number 3,

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1 which comes up early in our agenda dealing with a  
2 particular loan, because it has some interdependency with  
3 another item on today's agenda, Item Number 30 -- Item  
4 Number 2? 2. Okay. Item Number 2, that that should --  
5 Item 2 will be heard right after Item Number 30 because of  
6 the interdependency issue. Okay. So --

7 BOARD MEMBER MOULTON-PATTERSON:

8 Mr. Chairman.

9 CHAIRMAN EATON: Ms. Moulton-Patterson.

10 BOARD MEMBER MOULTON-PATTERSON: I would  
11 like to request that Item A, the report to the  
12 legislature, be trailed or continued until tomorrow  
13 because I just had a chance to see it and I wanted to look  
14 it over this evening, if that's okay.

15 CHAIRMAN EATON: Absolutely. I think  
16 without objection --

17 BOARD MEMBER JONES: Works for me.

18 CHAIRMAN EATON: Given the issues that  
19 Mr. Chandler raised in his report as well as some of the  
20 final edits, I think that would be the most prudent  
21 course, and thank you for bringing that to our attention.  
22 Item A, which is the first item we would hear today, will  
23 be deferred until later or probably tomorrow. Okay.

24 Next item would be Item Number B, a  
25 continuing item, consideration of lending to local

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1 government and modifications to the 1999 recycling market  
2 development loan program.

3 MR. ORR: Thank you, Mr. Chairman. Good  
4 morning, Board Members. I'm Bill Orr with the Waste  
5 Prevention and Market Development Division.

6 Item 1 will be the continued discussion and  
7 consideration of the public lending criteria for the  
8 recycling market development zone loan program -- B, Item  
9 B -- and Jim La Tanner will present this item.

10 MR. LA TANNER: Item B is a continuation  
11 from last Board meeting. It's titled consideration of  
12 lending to local governments and modifications to the 1999  
13 recycling market development revolving loan public  
14 projects eligibility criteria.

15 The item was continued from the January  
16 Board meeting to February with Board directing staff on  
17 two issues. One was to summarize the contract process for  
18 lending to public entities and basically how that would  
19 work. The second question for staff to research was to  
20 clarify criteria for infrastructure projects.

21 To sum it up, there was a requirement we  
22 had in the original agenda item that during infrastructure  
23 projects, at least four recycling-based businesses would  
24 be required to be located on the property adjacent to  
25 that. We have deleted that out of the requirement and

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1 would like to place the burden of the quantity of  
2 recycling businesses and the tonnage to be diverted and  
3 put that burden on the loan applicant, which is the way we  
4 currently process it for business loans. We look at the  
5 loan amount, we look at the equipment they're buying, we  
6 look at the project and determine the appropriate level of  
7 diversion to be required to make it feasible in that case.  
8 That's one of the changes that staff did research.

9                   The other change is we have added  
10 attachment 3 to the agenda item. Attachment 3 describes  
11 the process we intend to use if the Board approves to  
12 continue lending to local government entities. In  
13 summary, what that is is we currently use a loan  
14 commitment letter to private businesses and subsequently  
15 commercial loan documentation. If the Board approves  
16 lending to local government entities, instead of a  
17 commitment to lend we would use a contract to lend. It's  
18 a contract between the Board and the loan borrower, which  
19 is a local government entity, either being the city itself  
20 or the redevelopment agency.

21                   What that spells out is all parties  
22 involved in the project, there would be some agreement  
23 like between the city and the landowner, an agreement  
24 between the city, the landowner or the landowner and the  
25 recycling businesses that are coming on, and if there's a

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1 transfer station. All parties involved would need to have  
2 some kind of commitment, agreement, contract in place for  
3 to us review before we actually fund the loan. That would  
4 ensure that all parties involved in the project have  
5 successfully negotiated what they're going to do, what  
6 their contribution to the project is. This would relieve  
7 some of the issues when we made the loan to the City of  
8 Cloverdale.

9                   We wrote this in a generic form because if  
10 you approve this item which we're recommending, we would  
11 do an annual solicitation for local governments to apply  
12 to the loan program, making \$2 million available to fund  
13 projects on a first-come, first-served basis. If multiple  
14 applications were received, we would evaluate them based  
15 on the project, the diversion and the number of businesses  
16 to get the most impact on the loan program.

17                   So what 3 does is sort of a checklist of  
18 the agreements that we would propose to get from local  
19 government entities to ensure that all parties involved in  
20 the project have bought into it. However, the only person  
21 signing the actual commitment to lend would be the  
22 borrower itself, being the local government entity and the  
23 Board.

24                   Attached to that would be a promissory  
25 note. This is the result of discussions with in-house

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1 staff, in-house counsel and our outside counsel.

2 Are there any questions?

3 BOARD MEMBER JONES: Mr. Chairman.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: Also there would be a  
6 local resolution? Besides the loan document, do they have  
7 to have a resolution?

8 MR. LA TANNER: Yes. That's currently  
9 actually in regulation right now. They need a resolution  
10 before they can apply, and they need a second resolution  
11 to actually commit to sign the loan documents, yes.

12 BOARD MEMBER JONES: Okay. And then is it  
13 more expensive for us, for your staff, to do this with a  
14 contract as opposed to the loan documents?

15 MR. LA TANNER: We're actually thinking  
16 it's less expensive to use this contract.

17 BOARD MEMBER JONES: Not a problem. Okay.

18 Mr. Chairman.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: If there's no other  
21 questions, I'll move adoption of Resolution 2000-3,  
22 consideration of lending to local governments and  
23 modifications to the '99 recycling market development  
24 revolving loan program public project eligibility  
25 requirement.

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1 BOARD MEMBER MOULTON-PATTERSON: Second.

2 CHAIRMAN EATON: All right.

3 Mr. Jones moves and Ms. Moulton-Patterson  
4 seconds that we adopt Resolution 2000-3.

5 Madam Secretary, please call the roll.

6 BOARD SECRETARY: Board Members Jones.

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY: Moulton-Patterson.

9 BOARD MEMBER MOULTON-PATTERSON: Aye.

10 BOARD SECRETARY: Pennington.

11 BOARD MEMBER PENNINGTON: Aye.

12 BOARD SECRETARY: Roberti.

13 Chairman Eaton.

14 CHAIRMAN EATON: Aye. Okay. We'll keep  
15 the roll open, Madam Secretary, on all those items until  
16 Senator Roberti is able to get here. As I mentioned, Item  
17 Number 2 will now be heard after Item 30. That brings us  
18 to Item Number 1, I believe, on our new business agenda.  
19 That is correct.

20 So Item Number 1.

21 MR. LA TANNER: Agenda Item -- Bill has an  
22 intro here first.

23 CHAIRMAN EATON: We're just trying to get  
24 through the agenda. As you can see, we're jumping ahead,  
25 but --

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1                   MR. ORR: Thank you, Mr. Chairman.

2                   CHAIRMAN EATON: Mr. Orr, you're waiting  
3 for Number 1, the Wooden Man.

4                   MR. ORR: Yes. Before we get to the Wooden  
5 Man, I would like to give a summary in regard to the  
6 status of the loan program. Since the inception of the  
7 loan program, to date the Board has approved and closed 82  
8 loans totaling \$40,133,697. Included in these figures are  
9 nine loans totaling \$6,175,000 that were funded in this  
10 fiscal year. In addition, the Board approved four loans  
11 totaling \$2,905,000 that are anticipated to fund within  
12 the next 90 days.

13                   Today the Board will consider four loans in  
14 the amount of \$4,669,950; and in summary, this would bring  
15 the total to 90 loans. After consideration of today's  
16 loans, there remains \$8,950,000 in the RMDZ sub-account  
17 for future loans including projected principal repayment  
18 interest and fee income through the end of the fiscal  
19 year. And with that, I'll introduce Jim La Tanner again  
20 to present the loan items.

21                   CHAIRMAN EATON: If I could just make a  
22 comment on that. I want to commend both you and your  
23 predecessor for moving the money out of the account and  
24 getting it out on the street. Since we started this  
25 process, your division has made numerous changes including

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1 loan processing and sending things outside to streamline  
2 the process and it's been really, really helpful that  
3 we've gotten the money out on the street as opposed to in  
4 a bank account, and you should be commended.

5                   Perhaps in your next report if we could get  
6 a breakdown, just very loosely, segments of where those  
7 loans may be, maybe they're for deconstruction, maybe  
8 they're for rubber, just product kind of categories, just  
9 generally to see if it's somewhat consistent with our  
10 strategic plan or our priorities as they may go, and I  
11 know you guys take a real close look at trying to go out  
12 into those areas where we may not have had any loans  
13 available and just kind of be helpful for the Board to see  
14 what sectors we are actually loaning to and be consistent  
15 with our overall --

16                   MR. LA TANNER: For the most part, the  
17 loans have focused on organics and C&D, paper and so  
18 forth. Okay.

19                   Agenda Item Number 1, consideration of  
20 approval of the recycling market development revolving  
21 loan program application program for Wooden Man, Inc.  
22 Wooden Man, Inc. is requesting \$442,500 to finance  
23 machinery and equipment and provide some amount of working  
24 capital. The project is located in Gardena, California,  
25 which is in the Los Angeles County recycling market

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1 development zone.

2                   The company manufacturers furniture from  
3 deconstructed building lumber. This loan is expected to  
4 divert an additional 200 tons of wood waste annually. The  
5 loan committee did meet and approve the loan on February  
6 10th as presented, without any questions or adding  
7 conditions to it.

8                   Staff recommends that the Board approve the  
9 loan contained in Resolution 2000-75 to Wooden Man, Inc.  
10 in the amount of \$442,500. Are there any questions?

11                   CHAIRMAN EATON: Any questions?

12                   BOARD MEMBER PENNINGTON: Mr. Chairman.

13                   CHAIRMAN EATON: Mr. Pennington.

14                   BOARD MEMBER PENNINGTON: I'll move  
15 adoption for approval of the revolving loan program  
16 applicant for Wooden Man, Inc.

17                   CHAIRMAN EATON: Okay. I'll second.

18                   BOARD MEMBER JONES: Second.

19                   CHAIRMAN EATON: Mr. Jones seconds.

20 Mr. Pennington moves and Mr. Jones seconds that we adopt  
21 Resolution 2000-75.

22                   Madam Secretary, please call the roll.

23                   BOARD SECRETARY: Board Members Jones.

24                   BOARD MEMBER JONES: Aye.

25                   BOARD SECRETARY: Moulton-Patterson.

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1 BOARD MEMBER MOULTON-PATTERSON: Aye.

2 BOARD SECRETARY: Pennington.

3 BOARD MEMBER PENNINGTON: Aye.

4 BOARD SECRETARY: Roberti.

5 Chairman Eaton.

6 CHAIRMAN EATON: Aye. As I mentioned

7 before, Item Number 2 will now be heard after Item 30.

8 That brings us to Item Number 3.

9 MR. LA TANNER: Item Number 3 presents a

10 loan to the company Paper, Pulp & Film, Inc. The company

11 is requesting \$350,000 to purchase machinery and equipment

12 to process recycled paper. The project is located in

13 Fresno, California, which is in the Fresno County

14 recycling market development zone.

15 The company produces small sheets and rolls

16 of paper board, draft newsprint and bond paper that are

17 ultimately used for packaging. The feedstock is obtained

18 primarily from five California paper mills and to a minor

19 degree from two mills up in Washington.

20 This loan is expected to divert an

21 additional 12,000 tons of paper waste annually. The loan

22 committee did meet on February 10th, 2000. The loan was

23 approved as presented without any questions or added

24 conditions.

25 Staff recommends that the Board approve the

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1 loan contained in Resolution 2000-78 to Paper, Pulp &  
2 Film, Inc.

3 CHAIRMAN EATON: Any questions?

4 BOARD MEMBER PENNINGTON: Mr. Chairman.

5 CHAIRMAN EATON: Mr. Pennington.

6 BOARD MEMBER PENNINGTON: I'll move  
7 adoption of Resolution 2000-78 to approve a loan in the  
8 amount of \$350,000 for the recycling market development  
9 revolving loan program to Paper, Pulp & Film, Inc.

10 BOARD MEMBER MOULTON-PATTERSON: Second.

11 CHAIRMAN EATON: Mr. Pennington moves and  
12 Ms. Moulton-Patterson seconds that we adopt Resolution  
13 2000-78.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Aye.

19 BOARD SECRETARY: Pennington.

20 BOARD MEMBER PENNINGTON: Aye.

21 BOARD SECRETARY: Roberti.

22 BOARD MEMBER ROBERTI: Aye.

23 BOARD SECRETARY: Chairman Eaton.

24 CHAIRMAN EATON: Aye. All right. Item

25 Number 4.

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1                   MR. LA TANNER: Agenda Item 4 presents a  
2 loan to Dynamic Concrete Cutting & Demolition, Inc. They  
3 are requesting \$2 million to purchase equipment and  
4 provide a small amount of working capital for converting  
5 concrete and asphalt waste into usable road base. The  
6 company is located in Sacramento within the Sacramento  
7 recycling market development zone.

8                   The company crushes concrete and asphalt  
9 into a California Department of Transportation Class II  
10 road base. This loan is expected to divert 304,898 tons  
11 of C&D annually from California landfills. Last year the  
12 company actually took this amount of material to the  
13 landfill. As a result of purchasing this equipment, we  
14 would be able to crush all of it and divert all of it from  
15 the landfill and on future projects. It will also allow  
16 continued significant growth of the company.

17                  The loan committee approved the loan on  
18 February 10th, 2000 as presented with no question or added  
19 conditions. The Permitting and Enforcement Division has  
20 reviewed the project and determined that a solid waste  
21 permit is not required because the equipment is generally  
22 transportable and generally taken to each site.  
23 Diversion, Planning and Local Assistance reviewed the  
24 project and determined that C&D materials are normally  
25 disposed of in the California landfill.

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1                   Staff recommends that the Board approve the  
2 loan contained in Resolution 2000-77 to Dynamic Concrete  
3 Cutting & Demolition, Inc. in the amount of \$2 million.

4                   CHAIRMAN EATON: Any questions of staff?  
5 We have one speaker, Mr. Thomas Lee Channell.

6                   MR. LA TANNER: Right. That's the owner  
7 of Dynamic. They're here should the Board Members have  
8 any questions.

9                   CHAIRMAN EATON: Okay. Questions for  
10 either staff or the operator?

11                  BOARD MEMBER PENNINGTON: Okay.

12                  Mr. Chairman, I'll move adoption of  
13 Resolution 2000-77 to approve a loan in the amount of \$2  
14 million for the recycling market revolving loan program to  
15 Dynamic Concrete Cutting & Demolition, Inc. I can't seem  
16 to talk very well this morning.

17                  BOARD MEMBER JONES: I'll second.

18                  CHAIRMAN EATON: All right. Mr. Pennington  
19 moves and Mr. Jones seconds that we adopt Resolution  
20 2000-77. And also I was, through inadvertence, had  
21 forgotten to mention to Ms. Dominguez, let the record  
22 reflect that Mr. Roberti is present for the previous vote  
23 so that there is a full compliment of Board Members here.

24                  With that Madam Secretary, please call the  
25 roll.

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1 BOARD SECRETARY: Board Members Jones.  
2 BOARD MEMBER JONES: Aye.  
3 BOARD SECRETARY: Moulton-Patterson.  
4 BOARD MEMBER MOULTON-PATTERSON: Aye.  
5 BOARD SECRETARY: Pennington.  
6 BOARD MEMBER PENNINGTON: Aye.  
7 BOARD SECRETARY: Roberti.  
8 BOARD MEMBER ROBERTI: Aye.  
9 BOARD SECRETARY: Chairman Eaton.  
10 CHAIRMAN EATON: Aye. Okay. Items 5 and  
11 6 are part of the consent calendar. Item 7 was pulled.  
12 Item Number 8.  
13 MR. ORR: Thank you, Mr. Chairman. Item 8  
14 is the consideration of the first cycle for the fiscal  
15 year '98-'99 sustainable building grants and Tom Estes  
16 will be presenting this item.  
17 MR. ESTES: Good morning, Mr. Chairman and  
18 Board Members. My name is Tom Estes, and what I'm  
19 bringing before you is cycle one of our sustainable  
20 building grants which was approved in 19 -- out of 1998-99  
21 funds.  
22 We received 16 applications from local  
23 jurisdictions. Two were disqualified, City of Berkeley  
24 for multiple applications from one jurisdiction and some  
25 of which we felt was nonresponsive. 11 jurisdictions

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1 achieved the minimum scoring criteria of 70 and we're  
2 recommending funding for all 11, which will require a  
3 total of \$492,684.

4                   The Board allotted \$325,000 for these  
5 grants and we have been able to scrape together some  
6 various sources of funding, and I'd like to go through  
7 that now for you, to fund the difference. \$100,910 we  
8 felt was applicable to three of the applications -- Los  
9 Angeles, Santa Monica, and a piece of Oakland -- and we're  
10 recommending that that be funded out of the '99-2000 grant  
11 cycle contract concept low and moderate income housing.  
12 We found \$50,000 which we had in matching funds to support  
13 our USEPA sustainable development grant challenge request,  
14 which was basically going to help fund the development of  
15 a US California chapter for the US Green Building Council.  
16 We found out recently that EPA didn't think terribly high  
17 of that request so that \$50,000 is now available.

18                   CHAIRMAN EATON: Everyone makes mistakes.

19                   (Laughter)

20                   MR. ESTES: That's also -- there's also  
21 \$16,774 that we were basically going to take from a  
22 previously approved amount in the amount of \$125,000 that  
23 the Board funded for a sustainable building education  
24 program. We had set aside about \$60,000 for graduate  
25 architectural. We feel that we can basically tap into

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1 that and still achieve what we were setting out to do.

2 Now, we did find out as of about 5:00 last  
3 night that the City of El Cerrito, they sent us a letter  
4 saying that they will not be able to accept the grant  
5 that's recommended in this package for \$45,000 because of  
6 construction delays at their recycling center. So in  
7 light of that, we're recommending rather than draw down  
8 the moderate and low income housing by a full \$100,000, we  
9 would only draw it down by \$55,910.

10 With that, staff approves recommendation of  
11 option one and award grants and additional funding for the  
12 sustainable building grants and adopt Resolution Number  
13 2000-88.

14 CHAIRMAN EATON: That would be as amended?

15 MR. ESTES: That's correct.

16 CHAIRMAN EATON: Okay. Questions?

17 BOARD MEMBER MOULTON-PATTERSON: Could you  
18 just go over the \$60,000? What was that for architects?  
19 What are you pulling that from again?

20 MR. ESTES: I think we're speaking to the  
21 \$16,000.

22 BOARD MEMBER MOULTON-PATTERSON: \$16,000.

23 MR. ESTES: That's correct. We had  
24 basically set aside \$125,000 for sustainable building  
25 education, \$65,000 of which was a scope of work that you

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1 approved -- I believe it was last month that will help us  
2 with development of guidelines, and then the remainder,  
3 which was actually \$60,000, we were going to fund some  
4 graduate student architect interns to do a couple of  
5 projects, one to work on a web site and a couple of other  
6 tasks, and we're finding that they come at a high price.  
7 We're not getting a lot of interest with our ads at the  
8 moment so we feel like frankly we have plenty of money  
9 given the fact the time clock is ticking.

10 BOARD MEMBER MOULTON-PATTERSON: Thank you  
11 for going over that.

12 CHAIRMAN EATON: Any other questions?  
13 Okay. I just have one speaker, Ms. Kate Squire from City  
14 of Berkeley.

15 MR. SQUIRE: Good morning, Mr. Chair and  
16 Board Members. I appreciate the opportunity to speak with  
17 you today. My name is Kate Squire and I represent the  
18 City of Berkeley.

19 We're in a fairly unusual situation in that  
20 our city filed for two applications, and I think that this  
21 demonstrates two things about Berkeley -- one, that we  
22 have a lot of activity in our community, we have a lot of  
23 green building and green business activity, we have a  
24 wealth of projects, demonstration projects and services.  
25 It also demonstrates a problem in our community, which is

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1 lack of integration among our projects and lack of  
2 coordination.

3                   It's my understanding from speaking with  
4 staff that our proposal, like the other proposal from the  
5 City of Berkeley, received more than the minimum score and  
6 that our proposal is the only proposal that received the  
7 minimum score that didn't get funded today. As you know,  
8 that's because we had two proposals. I think also that --  
9 it's my understanding that our proposal that I'm speaking  
10 about today received a higher score than some of the  
11 proposals that are recommended for funding today.

12                   Our city lacks integration primarily  
13 because we have so many activities going. We have  
14 identified over 185 private sector and public sector  
15 programs and businesses and non-profits in our community.  
16 About a third of those relate to green building and  
17 design, and the others relate to other issues of  
18 environmentalism. We also have over a hundred policies  
19 and 75 programs in our community.

20                   We are trying to integrate these.  
21 Obviously we lacked integration in the application here  
22 for this grant project, but I feel like I would  
23 respectfully request your reconsideration of our proposal  
24 because the project that we are seeking to fund in our  
25 second project precisely addresses this lack of

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1 integration and need for better public information and  
2 coordination.

3                   It was basically to fund an intern in our  
4 city government. We have several million square feet of  
5 new construction going on in our city and we lack the  
6 capacity to interface with that and promote green building  
7 design as a coordinated activity. We have a lot of  
8 energy, recycling, deconstruction activities but they're  
9 not coordinated.

10                   We also wanted to fund our green resource  
11 center which is a private, non-profit that we initiated.  
12 It receives over 200 requests a month currently for green  
13 building and design information. Clients include San  
14 Dominican College, which is rebuilding four buildings  
15 based on sustainable building practices. The largest  
16 hospital system in our area is trying to increase green  
17 building design in the hospitals. We have the San Diego  
18 School District which is rebuilding 12 schools with our  
19 assistance, and then we've received assistance from major  
20 corporations like Pottery Barn, Pete's Coffee, Heinz  
21 Corporation, and Housing and Urban Development. So  
22 basically we're receiving a lot of requests to Berkeley  
23 for green building and design assistance and yet we lack  
24 the capacity to respond to the current demand.

25                   We have a lot of activity going on but

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1 people don't know about it. They know about one project  
2 but they don't know about other projects, so I feel like  
3 if we were able to receive funding to increase our  
4 capacity, to respond to demand and also to integrate what  
5 currently exists, we could demonstrate success and further  
6 the Board goals.

7                   It's my understanding that El Cerrito  
8 didn't receive funding, so perhaps this might be a way  
9 that you could perhaps divert that money that El Cerrito  
10 has withdrawn from their application and reallocate it  
11 towards Berkeley's proposal.

12                   Thank you very much. If you have any  
13 questions --

14                   CHAIRMAN EATON: My understanding is -- and  
15 let me assure you that -- and I'll check with legal  
16 counsel, that that would subject us to a challenge, is my  
17 understanding. But what we have done is I think that what  
18 I would like to be able to do because of the project,  
  
19 which I'm very supportive of as well, is to have staff go  
20 back at the end and see what kind of legal mechanism,  
21 whether we issue another round of grant applications with  
22 monies left over, as we always get to, and just that one,  
23 at least whatever the process is ultimately decided to be  
24 legal, that it's not a paper burden on and you be deemed  
25 submitted or whatever else we need to do, if that's okay.

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1                   MR. SQUIRE: Is that true if it was a staff  
2 criteria as well? I think the two-proposal rule might  
3 have been a staff criteria. I'm not sure if that makes a  
4 difference.

5                   CHAIRMAN EATON: That I would have to ask  
6 legal counsel, but generally that's been the problem  
7 throughout this whole process is more than one application  
8 being submitted in terms of other areas. I can't answer  
9 that question. It is up to the legal department and I'm  
10 not sure if they've researched it.

11                  MS. TOBIAS: I think the issue is not so  
12 much whether it's a staff recommendation or statutory or  
13 whatever. The issue is that the grant went out noticed on  
14 certain criteria, as you kind of alluded to, Mr. Chair,  
15 and that's what we're dealing with here and I would be  
16 concerned about a challenge from other entities who would  
17 then say I would have put in two applications had I known  
18 that was a possibility.

19                  MS. SQUIRE: We were definitely not aware  
20 of each other's application and we would be willing to  
21 reformat it into one. I appreciate your time.

22                  CHAIRMAN EATON: Thank you. Any other  
23 questions? All right.

24                   I would be happy to move Resolution 2000-88  
25 with the deletion of the City of El Cerrito for \$45,000.

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1 BOARD MEMBER JONES: I'll second.

2 CHAIRMAN EATON: All right. Mr. Eaton  
3 moves and Mr. Jones seconds that we adopt Resolution  
4 2000-88 as amended which would include the deletion of  
5 City of El Cerrito for \$45,000.

6 Madam Secretary, please call the roll.

7 BOARD SECRETARY: Board Members Jones.

8 BOARD MEMBER JONES: Aye.

9 BOARD SECRETARY: Moulton-Patterson.

10 BOARD MEMBER MOULTON-PATTERSON: Aye.

11 BOARD SECRETARY: Pennington.

12 BOARD MEMBER PENNINGTON: Aye.

13 BOARD SECRETARY: Roberti.

14 BOARD MEMBER ROBERTI: Aye.

15 BOARD SECRETARY: Chairman Eaton.

16 CHAIRMAN EATON: Aye.

17 BOARD MEMBER JONES: Mr. Chairman.

18 CHAIRMAN EATON: Senator Roberti, any ex  
19 parte communications to report?

20 BOARD MEMBER ROBERTI: No, Mr. Chairman. I  
21 have no ex partes, and this time I was late for a good  
22 reason. My house was flooded.

23 CHAIRMAN EATON: Sorry to hear that. I  
24 think you join all of the others who have been through  
25 what was called a drought just 30 days ago.

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1                   Madam Secretary, if you could please lift  
2 the calls on the consent calendar, both one and two, as  
3 well as any other items so Mr. Roberti could be added.

4                   BOARD SECRETARY: Consent calendar, motion  
5 number one, Board Member Roberti.

6                   BOARD MEMBER ROBERTI: Aye.

7                   BOARD SECRETARY: Motion number two,  
8 consent calendar, Board Member Roberti.

9                   BOARD MEMBER ROBERTI: Aye.

10                  BOARD SECRETARY: Item Number B, Board  
11 Member Roberti.

12                  BOARD MEMBER ROBERTI: Aye.

13                  BOARD SECRETARY: Item Number 1, Board  
14 Member Roberti.

15                  BOARD MEMBER ROBERTI: Aye.

16                  CHAIRMAN EATON: I think that completes it.  
17 And Senator, just if you didn't know, it was requested by  
18 Ms. Moulton-Patterson and the Board that the legislative  
19 report due, 939, be continued to tomorrow or later  
20 today --

21                  BOARD MEMBER ROBERTI: Very good.

22                  CHAIRMAN EATON: -- so that we get a chance  
23 to look at the final edits as well, and I think everything  
24 else should have been brought up to speed on what items  
25 were pulled and what have you.

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1 BOARD MEMBER JONES: Mr. Chairman.

2 CHAIRMAN EATON: Mr. Jones.

3 BOARD MEMBER JONES: Just real briefly, on  
4 Number 8, I think it's been a practice of this Board that  
5 all scopes of work for grants or any of that stuff for  
6 criteria comes to us to approve before it goes out. So  
7 the items that we've talked about today, while they are  
8 brought forward by the staff, were approved by this Board  
9 as a criteria. I just wanted that on the record.

10 CHAIRMAN EATON: All right. Item Number 9  
11 was on consent calendar.

12 Item Number 10.

13 MR. ORR: Thank you, Mr. Chairman. Item  
14 Number 10 is the consideration of approval of award for a  
15 contract to basically extend the support that our green  
16 building program has for the next fiscal year, and Tom  
17 Estes will present this item as well.

18 MR. ESTES: As Mr. Orr mentioned, you  
19 approved on your consent calendar the scope of work for  
20 green building design and technical support. This Item  
21 Number 10 asks for your consideration and approval of  
22 award to WorldBuild Technologies, Inc. to actually execute  
23 the scope of work. This is essentially a continuation of  
24 our relationship with David Godfried. Mr. Godfried and  
25 his associates have provided the Board with many examples

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1 of timely and expert assistance as we break new ground  
2 with Department of General Services in the State's  
3 building process. Perhaps most notable, and it's still  
4 ongoing and best illustrates the need to continue the  
5 service, is the east end complex. He brought considerable  
6 resources to bear and it really I think helped push the  
7 Board's desire to integrate recycled materials as well as  
8 embrace the holistic sustainable building approach, and  
9 now we're entering into a critical phase, the change order  
10 phase, where things we're told by our best friends over  
11 there that things move fast and furious and we will need  
12 to draw on this technical expertise at a moment's notice,  
13 which is the thing I think is the biggest advantage. We  
14 can basically develop a work order and go to work the very  
15 next day and have quick turnaround with a quality product.

16 As Board Member Moulton-Patterson had  
17 mentioned earlier, Mr. Godfried of WorldBuild Technologies  
18 was heavily involved in facilitating the L.A. Unified  
19 School District workshop down there, and that speaks  
20 volumes to the sort of credibility the Board has, that now  
21 we're being considered to assist perhaps with some  
22 activity in San Diego.

23 With that, I would recommend that you  
24 approve option number one and award the contract to  
25 WorldBuild Technologies, Inc. and adopt Resolution

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1 2000-121.

2 CHAIRMAN EATON: All right. Any questions?

3 BOARD MEMBER PENNINGTON: Mr. Chairman.

4 CHAIRMAN EATON: Mr. Pennington.

5 BOARD MEMBER PENNINGTON: I'd like to move  
6 adoption of Resolution 2000-121 to approve the award of a  
7 contract in the amount of \$150,000 to WorldBuild  
8 Technologies for the green building design and  
9 construction technical support. I'd like the Resolution  
10 to reflect in the "now, therefore, be it resolved" the  
11 amount of the contract which is --

12 CHAIRMAN EATON: I think that's  
13 appropriate.

14 BOARD MEMBER PENNINGTON: Which is  
15 \$150,000.

16 BOARD MEMBER MOULTON-PATTERSON: I'll  
17 second.

18 CHAIRMAN EATON: Mr. Pennington moves and  
19 Ms. Moulton-Patterson seconds that we adopt Resolution  
20 2000-121 as amended, which would include the contract  
21 amount of \$150,000 in the "now, therefore, be it resolved"  
22 clause.

23 Madam Secretary, please call the roll.

24 BOARD SECRETARY: Board Members Jones.

25 BOARD MEMBER JONES: Aye.

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1 BOARD SECRETARY: Moulton-Patterson.

2 BOARD MEMBER MOULTON-PATTERSON: Aye.

3 BOARD SECRETARY: Pennington.

4 BOARD MEMBER PENNINGTON: Aye.

5 BOARD SECRETARY: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY: Chairman Eaton.

8 CHAIRMAN EATON: Aye.

9 Mr. Estes, perhaps too, and it probably  
10 should be directed to Mr. Chandler, one of the things as  
11 we have these consultants get on board, it might be a  
12 great opportunity as we look at the next coming months to  
13 have a workshop here for not only Board Members who may be  
14 not as familiar with it, but also some of the local  
15 jurisdictions, and if we can have it at the time where we  
16 have a Board meeting and in the afternoon we do the  
17 workshop, to just sort of get that out as we go into the  
18 1066 and it would work out very well. We probably will --  
19 I know just in terms of green building I sometimes think  
20 that I know more than I do, and then I only find out that  
21 was five years ago that was really happening and other  
22 things have happened since because it is a rapidly  
23 changing environment. So if we could do that as an update  
24 or upgrade, whatever you may think appropriate to think  
25 about, and maybe Mr. Godfried can come and share some of

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1 his knowledge with us since we've shared our funds with  
2 him.

3 MR. ESTES: Fair enough. We'll do that.

4 CHAIRMAN EATON: Item 11 was part of  
5 consent calendar. Item Number 12.

6 MR. ORR: Thank you, Mr. Chairman.

7 The next two items that you're going to be  
8 hearing that are not on consent are two items for regional  
9 grasscycling campaigns. The first one you'll be hearing  
10 is Item Number 12, and that is for the bay delta campaign  
11 and Kevin Taylor will be presenting these next two  
12 items.

13 MR. TAYLOR: Good morning, Mr. Chairman and  
14 Board Members. My name is Kevin Taylor with the Board's  
15 Waste Prevention and Market Development Division. We're  
16 seeking your approval for the award of contract to the  
17 Central Contra Costa Waste Authority for the Bay Area 2000  
18 grasscycling outreach campaign.

19 At its October '99 meeting, the Board  
20 approved \$200,000 to extend the Board's efforts to  
21 implement local government partnerships to promote and  
22 increase homeowner and residence awareness of grasscycling  
23 in the Bay area. This contract continues the grasscycling  
24 campaigns in Contra Costa, Solano, Napa and Napa County,  
25 and this one also includes for the first time Solano

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1 County and the City of San Jose.

2 This contract will have a matching fund and  
3 in-kind service requirement. It will include bill  
4 inserts, newsletters, newspaper articles, radio ads,  
5 composting and grasscycling workshops, community events,  
6 demonstration sites and mower rebates.

7 Staff recommends that the Board approve  
8 option one and adopt Resolution 2000-85.

9 This concludes my presentation.

10 CHAIRMAN EATON: All right. Any questions?

11 BOARD MEMBER JONES: Mr. Chairman.

12 CHAIRMAN EATON: Mr. Jones.

13 BOARD MEMBER JONES: I would like to move  
14 adoption of Resolution 2000-85, consideration of the  
15 approval of award of contract to the Central Contra Costa  
16 Solid Waste Authority for the Bay Area 2000 grasscycling  
17 outreach campaign.

18 BOARD MEMBER PENNINGTON: Second.

19 CHAIRMAN EATON: Mr. Jones moves and  
20 Mr. Pennington seconds that we adopt Resolution 2000-85.

21 Madam Secretary, please call the roll.

22 BOARD SECRETARY: Board Members Jones.

23 BOARD MEMBER JONES: Aye.

24 BOARD SECRETARY: Moulton-Patterson.

25 BOARD MEMBER MOULTON-PATTERSON: Aye.

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1 BOARD SECRETARY: Pennington.

2 BOARD MEMBER PENNINGTON: Aye.

3 BOARD SECRETARY: Roberti.

4 BOARD MEMBER ROBERTI: Aye.

5 BOARD SECRETARY: Chairman Eaton.

6 CHAIRMAN EATON: Aye.

7 Item Number 14.

8 MR. TAYLOR: Okay. Here we go again.

9 Seeking your approval for the award of contract to Waste  
10 Systems Division for the County of San Bernardino in the  
11 Inland Empire 2000 grasscycling outreach campaign, again  
12 out of the \$200,000 that the Board had allocated.

13 This award is for \$60,000 to the Waste  
14 Systems Division of the County of San Bernardino to expand  
15 last year's campaign. Again, matching fund and in-service  
16 requirements.

17 This will continue the campaign in the  
18 valley region of San Bernardino and Riverside Counties,  
19 and this particular grasscycling outreach campaign  
20 includes a 20-page waste publication insert distributed in  
21 newspapers throughout the region, a direct retail outreach  
22 workshop, workshops I should say, through such  
23 organizations as COSTCO and Wal-Mart, and these workshops  
24 will highlight grasscycling, composting, bins and mowers  
25 available at reduced prices. There will be newspaper

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1 articles, newsletters, artwork distributed to  
2 jurisdictions on disk, and community events and  
3 promotional items. This will also have grasscycling  
4 displays in 50 of the City and County's libraries.

5 Staff recommends that the Board approve  
6 option one and adopt Resolution 2000-87.

7 CHAIRMAN EATON: Okay. Any questions?

8 BOARD MEMBER JONES: Mr. Chairman.

9 CHAIRMAN EATON: Mr. Jones.

10 BOARD MEMBER JONES: I would like to move  
11 adoption of Resolution 2000-87, consideration of approval  
12 of award of contract to the Waste Systems Division for the  
13 County of San Bernardino for the Inland Empire 2000  
14 grasscycling outreach campaign.

15 CHAIRMAN EATON: I'll second that motion.

16 Mr. Jones moves and Mr. Eaton seconds that  
17 we adopt Resolution 2000-87.

18 Madam Secretary, please call the roll.

19 BOARD SECRETARY: Board Members Jones.

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY: Moulton-Patterson.

22 BOARD MEMBER MOULTON-PATTERSON: Aye.

23 BOARD SECRETARY: Pennington.

24 BOARD MEMBER PENNINGTON: Aye.

25 BOARD SECRETARY: Roberti.

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1 BOARD MEMBER ROBERTI: Aye.

2 BOARD SECRETARY: Chairman Eaton.

3 CHAIRMAN EATON: Aye. Item Number 15.

4 Members, while we're waiting for  
5 Mr. Nuffer to come up, we're not able to substitute some  
6 of the roll call because we're allocating money, as you  
7 remember, so we'll move it right along as quickly as  
8 possible.

9 Mr. Nuffer.

10 MR. NUFFER: Good morning, Mr. Chairman and  
11 Board Members. My name is John Nuffer with the Waste  
12 Prevention and Market Development Division.

13 This item proposes to support an  
14 educational and promotional campaign to support and  
15 encourage more recycling of plastic bottles and containers  
16 throughout northern California, many of which are rigid  
17 plastic packaging containers. This is expansion of a  
18 pilot program that took place in 1999 throughout the  
19 Sacramento area that resulted in an increase in recycling  
20 of plastic containers by about 45 percent on average.

21 This campaign would target 196 Albertson's  
22 stores throughout 28 northern California counties. To  
23 give you the details of the program, I would like to  
24 introduce Tim Shestek with the American Plastics Council.

25 CHAIRMAN EATON: Mr. Shestek, welcome.

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1                   MR. SHESTEK: Thank you, Mr. Chairman and  
2 Members. Tim Shestek with the American Plastics Council.  
3 The APC appreciates the Board's consideration of  
4 partnering with us on this public education campaign that  
5 is, as John mentioned, designed to help consumers take  
6 advantage of existing plastics recycling opportunities.

7                   Just real quickly by way of background,  
8 APC, Grocery Manufacturers of America and the Dairy  
9 Institute, as well as Albertson's stores, conducted a  
10 40-store public education campaign here in the Sacramento  
11 Valley last year. As John indicated, some survey results  
12 we did following that campaign did reveal that the program  
13 did have a positive impact on consumer recycling habits.

14                  To give you the details of this program, or  
15 expanded program I should say, we are proposing to partner  
16 with Albertson's in 196 of their stores throughout  
17 northern California. The program will include in-store  
18 advertisements, if you will. I do have a sample of that  
19 in-store advertisement that will be placed throughout the  
20 selected grocery aisles, shelf talkers that are placed  
21 throughout again selected grocery aisles, as well as  
22 in-store signage.

23                  In addition, the program will feature an  
24 extensive paid as well as public service media component,  
25 and in addition, the Sacramento and the San Francisco Zoo

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1 are also partnering with us to encourage participants  
2 to -- encourage consumers to take advantage of existing  
3 plastics recycling opportunities. The Board's  
4 participation in this program will enable them to -- will  
5 enable you folks to include the Waste Board's logo and  
6 your recycling message on all of our print and radio and  
7 television components of the program.

8                   We anticipate that this program, through  
9 the television and media components, as well as the  
10 traffic that Albertson's receives throughout their stores,  
11 and in addition to the direct mail piece that Albertson's  
12 will send out, that will include our recycling message and  
13 reach over 17 million households during the eight-week  
14 program. It's scheduled to begin the middle of April, and  
15 like I said, for an eight-week period.

16                   If you have any questions about --

17                   CHAIRMAN EATON: Any questions of staff or  
18 Mr. Shestek?

19                   BOARD MEMBER JONES: Mr. Chairman.

20                   CHAIRMAN EATON: Ms. Moulton-Patterson.

21                   BOARD MEMBER MOULTON-PATTERSON: I just had  
22 a question. Are there plans to do this in southern  
23 California at some time?

24                   MR. NUFFER: I would direct that question  
25 to Mr. Shestek.

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1                   MR. SHESTEK: At this time we only have  
2 resources available to do the program in northern  
3 California. Ultimately we would like to do the program  
4 statewide. Albertson's has been very receptive in our  
5 initial project and in this northern California component.  
6 Perhaps if funding is available and the Waste Board is  
7 willing to participate in additional programs, we would  
8 like to do it statewide at some point, but right now the  
9 program is just scheduled for northern California.

10                  BOARD MEMBER MOULTON-PATTERSON: Okay.  
11 Thank you. I just have a general comment, and like I say,  
12 I know I'm new and it's probably a lot of things you've  
13 done, but it does seem like northern California, I guess  
14 because we're here, gets a lot more of this type of thing  
15 and I would just like to see southern California, if  
16 there's any way you can encourage southern California to  
17 participate in this, we need it too.

18                  CHAIRMAN EATON: Point well taken and well  
19 made, too. Mr. Jones.

20                  BOARD MEMBER JONES: For Tim, the idea  
21 about the logos, did that go anywhere?

22                  MR. SHESTEK: Yes. We -- in our reading  
23 you mentioned an idea to change our logo to include the  
24 "close the loop" "contains recycled content" logo. We're  
25 going to be working with our graphic artist to ensure that

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1 component is included in all of our print material.

2 BOARD MEMBER JONES: Okay.

3 MR. SHESTEK: And also make the commitment  
4 to work with the Waste Board staff on ensuring the logo  
5 and whatever other message that you folks would like to  
6 include in the message is there.

7 BOARD MEMBER JONES: I appreciate that.

8 CHAIRMAN EATON: Thank you, Mr. Shestek,  
9 and if you would be so kind as to perhaps to follow-up  
10 with regard to Ms. Moulton-Patterson's southern  
11 California, perhaps arranging a meeting down there, or  
12 Senator Roberti if he's available, and all of us. It's  
13 not just a north-south thing. It really is because with  
14 that kind of population base and the kind of containers  
15 you're trying to bring a public education campaign to, it  
16 might be well worth it.

17 Ms. Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Thank you,  
19 Mr. Chair. Appreciate that very much.

20 CHAIRMAN EATON: Mr. Jones. I'm sorry.

21 BOARD MEMBER JONES: Mr. Chairman, I'll  
22 move adoption of Resolution 2000-133, consideration of  
23 redirecting IWMA funds to partner with the APC in  
24 sponsoring the California plastic recycling retail  
25 promotion campaign in the amount of \$30,000.

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1 BOARD MEMBER PENNINGTON: Second.

2 CHAIRMAN EATON: Mr. Jones moves and

3 Mr. Pennington seconds that we adopt Resolution 2000-133.

4 Madam Secretary, please call the roll.

5 BOARD SECRETARY: Board Members Jones.

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 BOARD MEMBER MOULTON-PATTERSON: Aye.

9 BOARD SECRETARY: Pennington.

10 BOARD MEMBER PENNINGTON: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Chairman Eaton.

14 CHAIRMAN EATON: Aye.

15 Thank you very much. That completes the

16 first section. I've received my five-minute warning from

17 the court reporter with regard to items. So

18 Mr. Fitzgerald, if you can begin at least with regard to

19 the first couple of items, we can get into it and then

20 we'll take a short break and then continue along in the

21 special waste arena. Item Number 16.

22 MR. FITZGERALD: Mr. Chairman, Board

23 Members, Byron Fitzgerald. You're to be complimented in

24 the speed with which you're moving the agenda,

25 Mr. Chairman. I think I'm going to have some staff that

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1 will be panting in here very soon from across the field.

2 CHAIRMAN EATON: They should know by now.

3 (Laughter)

4 MR. FITZGERALD: Our first item is Number

5 16. It's the government waste cleanup matching grant

6 program and Diane Nordstrom will present that item.

7 MS. NORDSTROM: Good morning, Mr. Chairman

8 and Members of the Board. My name is Diane Nordstrom from

9 the Special Waste Division.

10 The item before you is the consideration of

11 approval of the fiscal year 1999-2000 local government

12 waste tire cleanup matching grant awards. The local

13 government waste tire matching grant program provides

14 grant funding to local jurisdictions to clean up illegally

15 dumped tires. This will be the third year that the Board

16 has provided funding for this program. The maximum of

17 funding for each jurisdiction is \$75,000, and the grant

18 applicant is required to fund up to 25 percent of the

19 costs for the tire cleanup project.

20 Board staff received three applications for

21 this grant cycle. The applications were reviewed and

22 ranked using the criteria and scoring process that were

23 approved by the Board at the September 8th, 1999 meeting.

24 All three applications met the minimum score required to

25 qualify for funding. The total grant award being

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1 requested is \$100,312 out of the \$1 million allocated for  
2 this year's fiscal budget. Several applications are  
3 anticipated to be submitted for the next grant cycle which  
4 has a filing date of March 31st, 2000.

5                   The three applicants that have requested  
6 grant funding for this cycle are the City of Gonzales  
7 Planning Department, the City of Hesperia Fire District,  
8 and the City of Modesto Public Works Department. The City  
9 of Gonzales is proposing to clean up a legacy tire pile  
10 consisting of 20,000 tires. The other two applicants are  
11 continuing with citywide cleanup projects that the Board  
12 funded last year.

13                   Staff recommends adoption of Resolution  
14 2000-58 and authorize the award of \$100,312 to the  
15 applicants for the 1999-2000 fiscal year local government  
16 waste tire cleanup matching grant program.

17                   This concludes my presentation.

18                   CHAIRMAN EATON: Any questions? I just  
19 have one. Does the grant to the City of Gonzales have  
20 anything to do with the pile that has been down there in  
21 the past or was that the City of Hollister? I remember  
22 when I first came to the Board there was a tire pile down  
23 there with regard to a particular --

24                   MR. FITZGERALD: I'm afraid I don't know  
25 that one off the top of my head.

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1 BOARD MEMBER PENNINGTON: Was that

2 Brackett?

3 MS. TOBIAS: Brackett was in San Luis

4 Obispo.

5 CHAIRMAN EATON: No. There was one that

6 was in Hollister or Gonzales.

7 MS. TOBIAS: It must not be Hollister.

8 (Laughter)

9 CHAIRMAN EATON: All right. Just

10 wondering.

11 MR. FITZGERALD: I'll get back to you on

12 that.

13 BOARD MEMBER PENNINGTON: Mr. Chairman.

14 CHAIRMAN EATON: Mr. Pennington.

15 BOARD MEMBER PENNINGTON: I'll move

16 adoption of Resolution 2000-58 to approve the 1999-2000

17 fiscal year waste tire cleanup matching grant funds as

18 recommended in attachment 2.

19 BOARD MEMBER JONES: I'll second.

20 CHAIRMAN EATON: Mr. Pennington moves and

21 Mr. Jones seconds that we adopt Resolution 2000-58.

22 Madam Secretary, please call the roll.

23 BOARD SECRETARY: Board Members Jones.

24 BOARD MEMBER JONES: Aye.

25 BOARD SECRETARY: Moulton-Patterson.

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1 BOARD MEMBER MOULTON-PATTERSON: Aye.

2 BOARD SECRETARY: Pennington.

3 BOARD MEMBER PENNINGTON: Aye.

4 BOARD SECRETARY: Roberti.

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY: Chairman Eaton.

7 CHAIRMAN EATON: Aye. Item Number 17 has

8 been on consent. Last item we'll take up before the

9 break, for those of you who are in the audience, we'll

10 take a break after Item Number 18.

11 Mr. Fitzgerald.

12 MR. FITZGERALD: Mr. Chair, this is a major

13 waste tire facility permit for Lakin Tire West, southern

14 California, and Terry Smith will present this item.

15 CHAIRMAN EATON: Mr. Smith, before you

16 begin, is this the facility that's the new facility?

17 MR. SMITH: Yes, it is.

18 CHAIRMAN EATON: Okay. Thought it was,

19 but --

20 MR. SMITH: Lakin Tire -- for the record,

21 my name is Terry Smith.

22 Lakin Tire has been operating a used tire

23 business in southern California since early 1970. The

24 facility processes used tires generated by national

25 retailers. Tires are currently processed at Lakin Tire's

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1 major waste tire facility that is located at 13250 Arctic  
2 Circle, Santa Fe Springs.

3                   The waste tires received at the facility  
4 come from various tire dealerships located throughout the  
5 state. Upon arrival at the facility, the tires are sorted  
6 and graded. Tires that can't be reused are shredded and  
7 taken to a variety of facility types including permitted  
8 landfills, cement kilns, crumb rubber processors, and  
9 cogeneration plants. Tires that can be reused are resold  
10 as used tires and retreadable casings. Lakin processed  
11 approximately 11 million tires last year.

12                   Construction is almost complete at Lakin  
13 Tires's new facility located at 15305 Spring Avenue,  
14 Santa Fe Springs. Lakin plans to obtain a major waste  
15 tire facility permit for this facility and begin  
16 relocating their tire processing operations to the new  
17 facility.

18                   On December 16th, 1999, we received an  
19 application for a major waste tire facility permit. Staff  
20 found the application to be complete and accepted the  
21 application on January 14th, 2000. Staff has determined  
22 that all the requirements to obtain a major waste tire  
23 facility permit have been met including the national  
24 standards for indoor storage of rubber tires, financial  
25 assurance and operating liability requirements, state

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1 minimum standards for tire storage, and the California  
2 Environmental Quality Act requirements have been  
3 satisfied. Staff has drafted a waste tire facility permit  
4 for this project which is included as attachment number 1  
5 of this item.

6                   The issuance of the proposed permit will  
7 authorize Lakin Tires to store up to 200,000 waste tires.  
8 On the front page of the permit that is in attachment  
9 number 1, I'm missing a zero on there. So we'll make sure  
10 that we put that zero in there before this permit is  
11 issued.

12                   This concludes staff's presentation, and I  
13 believe George Larson is in the audience if you have any  
14 questions. Also, we recommend that you concur in the  
15 issuance of this permit by adopting Permit Decision Number  
16 2000-105, approving the issuance of Waste Tire Facility  
17 Permit Number 19-TI-1077.

18                   CHAIRMAN EATON: Okay. I'll move  
19 Resolution 2000-105 regarding the issuance of a new major  
20 waste tire facility permit for Lakin Tire West, Inc. on  
21 the Spring Avenue site, Orange County.

22                   BOARD MEMBER MOULTON-PATTERSON: Second.

23                   CHAIRMAN EATON: Mr. Eaton moves and  
24 Ms. Moulton-Patterson seconds that we adopt Resolution  
25 2000-105.

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1                   Madam Secretary, will you please call the  
2 roll.

3                   BOARD SECRETARY: Board Members Jones.

4                   BOARD MEMBER JONES: Aye.

5                   BOARD SECRETARY: Moulton-Patterson.

6                   BOARD MEMBER MOULTON-PATTERSON: Aye.

7                   BOARD SECRETARY: Pennington.

8                   BOARD MEMBER PENNINGTON: Aye.

9                   BOARD SECRETARY: Roberti.

10                  BOARD MEMBER ROBERTI: Aye.

11                  BOARD SECRETARY: Chairman Eaton.

12                  CHAIRMAN EATON: Aye.

13                  And also before we take the break, let the  
14 record reflect that the permit as identified as attachment  
15 1 in this item will be changed and that would be in  
16 Section 4, Sub-part D; is that correct? 200,000, which  
17 now reads 20,000 with the comma in the wrong place, but it  
18 will now be reflected to read the maximum capacity will be  
19 200,000 waste tires or tire equivalents, in parentheses  
20 1850 tons.

21                  Okay. All right. We'll be back in ten  
22 minutes. We'll take a short break and we'll pick up with  
23 Item Number 19. Thank you.

24                  (Brief recess taken)

25                  CHAIRMAN EATON: I'll start with

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1 Mr. Pennington. Mr. Pennington, any ex parte  
2 communications to report?

3 BOARD MEMBER PENNINGTON: No. I spoke to  
4 George Ewan, and that's it.

5 CHAIRMAN EATON: Mr. Jones.

6 BOARD MEMBER JONES: No. Just said  
7 "hello" to Grace and exchanged cards.

8 CHAIRMAN EATON: Does Grace have a last  
9 name, Mr. Jones, for the record?

10 BOARD MEMBER JONES: I don't think it's an  
11 ex parte.

12 CHAIRMAN EATON: Then you're in good  
13 graces.

14 BOARD MEMBER JONES: But around here I'm  
15 always nervous.

16 CHAIRMAN EATON: All right.

17 Ms. Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: I said  
19 "hello" to Rufus Young.

20 CHAIRMAN EATON: And Senator Roberti.

21 BOARD MEMBER ROBERTI: I didn't talk to  
22 anybody.

23 BOARD MEMBER JONES: You know what? I said  
24 "hello" to Tom Starling, too, from Mariposa County.

25 CHAIRMAN EATON: And I said hello to

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1 Cassandra Fletcher, just a meet-and-greet, as well as  
2 Mr. Glass from San Bernardino County.

3 When we left, we completed Item Number 18.  
4 Item Number 19. Mr. Fitzgerald.

5 MR. FITZGERALD: Yes, Mr. Chair. Item  
6 Number 19 is the issuance of a minor waste tire facility  
7 permit for Pacific Coast Retreaders in Rancho Cucamonga,  
8 and Terry Smith will cover this one as well.

9 MR. SMITH: This proposed project is to  
10 obtain a minor waste tire facility permit to authorize  
11 storage of up to 4,999 tires to be used in a tire  
12 retreading operation.

13 Board staff received a waste tire facility  
14 application for Pacific Coast Retreaders for their Rancho  
15 Dominguez site on August 12th, 1999. The Board has  
16 delegated waste tire facility permit approval to the  
17 Board's Executive Director. This item has been brought  
18 before the Board because the California Environmental  
19 Quality Act, or CEQA, analysis mitigated negative  
20 declaration must be adopted before the Board can issue the  
21 permit.

22 The proposed project is located in an area  
23 zoned for heavy manufacturing. Local approvals did not  
24 trigger a CEQA or environmental review. The approval and  
25 issuance of a waste tire facility permit is a

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1 discretionary action and is considered a project under  
2 CEQA. The Board assumed the role of lead agency and  
3 prepared a mitigated negative dec for the proposed project  
4 as it relates to storage of waste tires. The Board  
5 prepared the negative declaration which includes an  
6 analysis of the proposed project. As required by CEQA,  
7 the negative dec identified the proposed project's  
8 potential significant environmental impacts and provided  
9 mitigation measures to reduce those impacts to lessen  
10 significant levels.

11                   The document was circulated through the  
12 state clearing house for agency review and comment. A  
13 notice was placed in the Los Angeles Times newspaper and  
14 on the internet. The public review period extended from  
15 November 8th, 1999 through December 7th, 1999. No  
16 comments were received during the public review period.

17                   Before the waste tire facility permit can  
18 be issued, the Board must consider and adopt the negative  
19 dec. A copy of the negative dec is included in this item  
20 or Item 19 as attachment 4. The negative dec is now  
21 before the Board for consideration and adoption.

22                   Board staff has determined that all other  
23 state and local requirements for this proposed permit have  
24 been met. The project's design and operations are  
25 consistent with state minimum standards and the applicable

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1 local requirements have been met.

2 In conclusion, staff recommends that the  
3 Board adopt the negative dec Decision Number 2000-47 and  
4 Permit Decision Number 2000-48, approving the issuance of  
5 Minor Waste Tire Facility Permit Number 19-TI-1030.

6 Mr. Mark Jagua (phonetic) of Pacific Coast  
7 Retreaders asked me to extend his sincere apologies. He  
8 wasn't able to attend this meeting today. However, he did  
9 say he would be available by phone if you guys wanted to  
10 talk to him or had any questions.

11 This concludes staff's presentation.

12 CHAIRMAN EATON: Any questions of staff?

13 BOARD MEMBER JONES: Mr. Chairman.

14 CHAIRMAN EATON: Mr. Jones, there's two  
15 resolutions, I believe, on this one.

16 BOARD MEMBER JONES: Yes, sir. Do you need  
17 a motion for each one?

18 CHAIRMAN EATON: Yes, we do.

19 BOARD MEMBER JONES: I would like to move  
20 adoption of Resolution 2000-47, which is consideration of  
21 the adoption of a negative declaration for Pacific Coast  
22 Retreaders, Rancho Dominguez, minor waste tire facility  
23 permit.

24 BOARD MEMBER MOULTON-PATTERSON: Second.

25 CHAIRMAN EATON: Mr. Jones moves and

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1 Ms. Moulton-Patterson seconds that we adopt Resolution  
2 2000-47.

3 Ms. Dominguez, would you please call the  
4 roll.

5 BOARD SECRETARY: Board Members Jones.

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 BOARD MEMBER MOULTON-PATTERSON: Aye.

9 BOARD SECRETARY: Pennington.

10 BOARD MEMBER PENNINGTON: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Chairman Eaton.

14 CHAIRMAN EATON: Aye.

15 And I'll be happy to move Resolution  
16 2000-48, which is the actual issuance of the new minor  
17 waste tire facility permit for Pacific Coast Retreaders.

18 BOARD MEMBER PENNINGTON: Second.

19 CHAIRMAN EATON: Mr. Eaton moves and  
20 Mr. Pennington seconds that we adopt Resolution 2000-48.

21 Madam Secretary, please call the roll.

22 BOARD SECRETARY: Board Members Jones.

23 BOARD MEMBER JONES: Aye.

24 BOARD SECRETARY: Moulton-Patterson.

25 BOARD MEMBER MOULTON-PATTERSON: Aye.

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1 BOARD SECRETARY: Pennington.

2 BOARD MEMBER PENNINGTON: Aye.

3 BOARD SECRETARY: Roberti.

4 BOARD MEMBER ROBERTI: Aye.

5 BOARD SECRETARY: Chairman Eaton.

6 CHAIRMAN EATON: Aye.

7 Item Number 20. Mr. Fujii, welcome.

8 MR. FUJII: Actually, Mr. Fitzgerald will  
9 be doing the presentation.

10 MR. FITZGERALD: Mr. Chair and Members of  
11 the Board, this item is a request for some guidance on an  
12 issue that's been hanging fire for quite some time. It's  
13 the waste tire monofill issue. It's sort of a spinoff of  
14 the waste tire regulations that came before the Board last  
15 October. These regulations have been under development  
16 for quite some time and we started way back in 1998, and  
17 for a variety of reasons, all good ones, we've rolled on  
18 until we're at this point.

19 Currently the regulations are in the  
20 rulemaking progress -- process. They are a progression,  
21 hopefully -- and we hope to have them out for the 45-day  
22 comment period in March. As a review, these regulations  
23 cover the hauler requirements, facility requirements, and  
24 lastly the monofill and that's the reason for this issue  
25 coming up right now.

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1                   Looking at the monofill specifications, the  
2 specifications address a range of issues, the technical  
3 specifications, that is. The size of the shreds that go  
4 into a monofill, the minimum size of 12 inches, the  
5 thickness of a particular cell, since a cell can be up to  
6 20 feet thick, 50 feet wide and 250 feet long. If there's  
7 more than one stack of monofills, you have to have a  
8 temperature monitoring device, specific type of cover  
9 materials are identified, low permeability 10 to the minus  
10 6 type materials, and there's a whole range of other  
11 things that go along with that. I won't try to go through  
12 everything and repeat them all.

13                   The primary reason that these  
14 specifications were developed is to minimize fire danger,  
15 and they are based on a study the Board contracted with  
16 Geosyntec in 1998 and it was reviewed by Dana Humphrey, a  
17 national expert in the tire area.

18                   Now, there are concerns and I'll go through  
19 them real quickly to give overarching concerns and later  
20 on I will go into some detail of what they are. First of  
21 all, we have the problem of the increased number of tires  
22 that are going to a landfill for disposal due to the  
23 closure of the MELP facility. We have no consistency of  
24 the handling of tires when they go to individual  
25 facilities, and I think we all know that if you properly

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1 bury tires, they can burn. We've had experiences in  
2 several highway projects around the nation.

3                   Now, rather than go through all the  
4 different options that we presented in the agenda item, I  
5 would like to just go through the recommendations we made  
6 and go through them in some depth, so I think it will  
7 cover all the issues that were included in the options.  
8 Again, I'll go through each one of these individually.

9                   The first recommendation is that we set up  
10 monofills under solid waste facility regulations. We used  
11 a tiered regulatory approach. We require disposal into  
12 dedicated areas or cells, and that we do it under an  
13 emergency regulation. So let's go through each one of  
14 them.

15                   Why do we want to move the control of the  
16 monofill to the waste facility regulations? Consistency.

17 Right now, landfills are currently accepting tires for  
18 disposal that have solid waste facility permits. The  
19 Azusa landfill operates under a solid waste facility  
20 permit, one of the largest recipients of tires in the  
21 state, and the local landfills around here that are  
22 accepting tires again are using it under solid waste  
23 facility rules. The landfills that have monofills, if we  
24 go ahead the way we're going now, they'll basically have  
25 two sets of regulations they'll look at, tire regulations

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1 and the solid waste facility regulations, since they'll be  
2 operating under both sets of rules.

3                   Another reason we think it should move  
4 under a solid waste facility is that the regulatory scheme  
5 we have for solid waste facility permits is well  
6 developed, all the legal precedents have been established  
7 on it, and we know what we're doing in that area. We've  
8 done it and people are experienced and familiar with the  
9 rules.

10                   Finally, if we go the way we're going, we  
11 will issue the permits for the monofill. However, under a  
12 solid waste facility reg, the locals would have the bigger  
13 input into the process, the way they do with solid waste  
14 facilities now.

15                   Next question is why the tiered approach.  
16 The standards can be applied to the different types of  
17 activities. For example, a landfill that has a monofill  
18 attached to it would have one set of regulations and  
19 modifications could be made for a monofill stand-alone  
20 type. The LEA will be the opportunity to provide  
21 additional conditions on it through the conditional use  
22 permit or other local authorities. The technical  
23 standards have already been developed, so it could be very  
24 easily applied to a tiered approach.

25                   Why do we recommend the dedicated cell?

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1 Tires are delivered to landfills in huge trailers and they  
2 end up with concentrations within the waste. We need to  
3 consolidate these concentrations in order to apply the  
4 standards. The standards are only developed on tire-only  
5 type of operations, and if you mix them in with the other  
6 waste, then we can't apply the standards that we're using  
7 for fire control.

8                   There's been a -- studies showed that  
9 mixture of tires with organic waste creates a fire danger.  
10 One of the problems that they've had in the highway fires  
11 is that water got into it, into the fills that they used,  
12 and the organic materials caused the heating that started  
13 to -- that generated the fires. And last but not least,  
14 there is a potential for recovery if you dedicate them  
15 into a cell. If you mix them into the other garbage,  
16 there's no possibility for recovering tires at all.

17                   The final one is why the emergency  
18 regulations. The increase of flow has already begun.  
19 MELP is shut down now and we see that the 6 million tires  
20 that they were burning a year now have to go somewhere  
21 else. A landfill here in northern California last year  
22 took in 2.4 million PTEs, and if they go the way they're  
23 going the first three months of this year, they'll be  
24 taking in 4 million this year. So the number is  
25 dramatically increasing of tires that go to disposal.

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1                   In 1998, we had 3.3 million tires that went  
2 to ADC in five different landfills throughout this state.  
3 According to a visit we had last year down at Azusa, 10  
4 million tires are going to Azusa. Now, if you add all  
5 those numbers together, you get 23 million tires going to  
6 landfills. That's out of a flow of something like 33  
7 million that we have. So it's a very significant number  
8 of tires are going to be going to landfills, and that's  
9 why we're coming before the Board to ask your guidance on  
10 this, whether we want to modify what we're doing right now  
11 to move the tire monofill regulations under solid waste  
12 facility regs.

13                   This is the way tires are delivered to  
14 landfills. It's not mixed with other waste. They come in  
15 in huge trucks and they're deposited all at one time,  
16 moving flow trailers. So the concentration within the  
17 landfill is an issue.

18                   Mr. Chair, that concludes my presentation.

19                   CHAIRMAN EATON: Any questions of  
20 Mr. Fitzgerald? Senator Roberti.

21                   BOARD MEMBER ROBERTI: I just want to add  
22 what I think is the legal argument to Mr. Fitzgerald's  
23 fine presentation, and that is Section 42866 says that at  
24 least one landfill in each region of the state that  
25 shredded tires should be accepted as separate from other

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1 forms of solid waste and stored in a manner that will  
2 encourage their removal for future use.

3 I think this presumes two important things.  
4 First, that where we do have monofills, that they be  
5 separately regulated; and two, that they be regulated as  
6 part of a landfill because the word "landfill" is used.

7 So I think the legislation contemplates  
8 either two sets of regulations or a set of regulations and  
9 sub-regulations, but whatever, that we deal with both  
10 issues and I just want to set that forward.

11 CHAIRMAN EATON: I also think that it  
12 presents us with a real policy issue as we get moving with  
13 our legislation, is that -- you've raised this on every  
14 occasion that you've ever dealt with on this issue is  
15 whether or not we need to try and do something in that  
16 legislation to sort of divert this product from going into  
17 landfills irrespective and that's a chore.

18 BOARD MEMBER ROBERTI: Absolutely.

19 CHAIRMAN EATON: And I think that's one of  
20 the things we look at as well.

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: Mr. Jones.

23 BOARD MEMBER JONES: I agree that we need  
24 to at some point divert these tires from landfills. That  
25 would be at a point when we had markets for 33 million

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1 tires in the flow. We currently have markets for about 10  
2 or 12 million tires in the flow.

3                   There's a couple of things that I would  
4 like to talk about in a little more length. Mixture with  
5 organics, the way that -- well, let's back up a little  
6 bit. When we started to talk about these monofills in  
7 1997 or early '98, I was actually opposed to putting the  
8 monofill regs together because we had not done the science  
9 to -- or the engineering to determine that -- what I was  
10 afraid of is we would come up with a standard without  
11 putting in the operational checks in place that would  
12 promote tire fires, and that's basically a function of how  
13 deep is the lift, where does the dirt need to be, those  
14 types of things. So what we did is we asked -- I think it  
15 was CAM to work with the Board as we helped to develop  
16 those standards and they in fact did that.

17                   My concern is still I think a reasonable  
18 one because while we've done the work on how to do a  
19 monofill, which is critical, which deals with part of this  
20 issue, part of the testimony and part of the historical  
21 testimony that I think anybody that's been in this  
  
22 business for a while will be able to offer is that the  
23 tire fires that happened at landfills, and there were nine  
24 that I know of in Azusa and I'm going back quite a few  
25 years, is because they were put into separate cells, not

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1 because they were mixed with the flow of waste.

2                   There are two different issues here. One  
3 is how do you manage a monofill, and clearly I agree with  
4 the staff. I agree with the work that CAM has done on the  
5 methods to measure the heat that's going to be generated  
6 from the center of that pile outward because that's just  
7 the dynamic of a tire shred that's buried, that they've  
8 come up with what they think are the appropriate standards  
9 for cover and the depth of that cover that will help  
10 minimize those things. Those same kinds of standards  
11 can't be -- I don't think can be duplicated in a dedicated  
12 cell at a landfill.

13                   The organics that they were talking about  
14 in the tire fires were the organic pesticides. The  
15 materials that came in as part of the flow of the two  
16 roadways that were built in Washington that caught on  
17 fire, and these were civil engineering projects that had  
18 between 20 and 30 feet of depth of tire shreds to build a  
19 road on, that when those tire fires erupted, it was based  
20 on organic material, pesticides that had caked themselves  
21 on the metal shreds of a shredded tire, that started  
22 generating heat, that ended up creating the problem.

23                   Organic material that they were looking at  
24 in that study is not your residual from McDonald's or your  
25 house. It was a different type of organic material. What

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1 I'm afraid of, and what I've told staff and the great  
2 thing about a Board is you can have five different  
3 opinions, maybe some days six or three. Who knows.

4 (Laughter)

5 BOARD MEMBER JONES: Is that we have to  
6 rely on our expertise to offer some potential solutions.

7 I think that mixing the material -- and  
8 most of the tires, while they do come in this big chunks  
9 like that -- because remember. When a tire is chunked up,  
10 it's solid waste. It's an altered tire. Once that gets  
11 delivered to the landfill and gets mixed in, then it's an  
12 operational issue that all likelihood won't catch on fire.  
13 If it could catch on fire, why we would allow the  
14 placement of a foot of shredded tires as alternative daily  
15 cover? It's contradictory.

16 So I think we need to take our time, do the  
17 monofills now, continue to learn more because a dedicated  
18 cell at a landfill is an easy thing to say. It is not  
19 necessarily an easy thing to do at a landfill, to dedicate  
20 a cell just to take in tires, just to put in those types  
21 of materials. Why would you when you can use it as ADC.  
22 I think that I'd like to see us go slow.

23 The other thing I have a question about --  
24 and I don't have a problem with the emergency regs. I  
25 don't have a problem with any of that as far as the

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1 monofill goes, but I do have a question about the  
2 consistency for us in putting it in a tier where we've  
3 turned over -- we just got through where you guys are the  
4 lead agency on approving a tire permit for a retreader for  
5 a waste tire processor where we are the lead. We're the  
6 ones that are doing all of that work. That by statute  
7 falls directly on us. To put it in the tiers is  
8 consistent with C&D waste and a lot of those types of  
9 things, but what it isn't consistent with is we've turned  
10 over the investigation and the preparation of a permit to  
11 a local agent, a local LEA, that may not have the  
12 expertise or may not be able to take the political heat  
13 locally. At least if we do it, we know it's got to go  
14 through CEQA, we know it's got to do this, we know it's  
15 got to do that, and maybe we need to toss out the idea  
16 about that maybe we do a combined lead agency on -- if  
17 we're going to tier these things, so that we continue to  
18 be the lead.

19                   It just doesn't seem right to me that we've  
20 taken on the responsibility for everything except  
21 monofills, which clearly could have the biggest impact. I  
22 think that needs to be with us.

23                   So those are my thoughts. As we go through  
24 this discussion, I'm hoping that Board Members will go  
25 with moving the monofill under emergency regs; that if we

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88

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1 tier it, we tier it with us having the responsibility to  
2 do the work because we are the LEA basically on tire  
3 fills; and that we don't make a decision on the separate  
4 cell until we develop markets and the wherewithal to make  
5 sure that gets managed without creating more tire fires.

6 CHAIRMAN EATON: All right. Any questions?

7 Mr. Chuck White from Waste Management.

8 MR. WHITE: Thank you very much,  
9 Mr. Chairman, Board Members. My name is Chuck White with  
10 Waste Management.

11 Waste Management is supportive of the Board  
12 moving forward today to adopt some kind of clear path for  
13 these kinds of facilities to get permits. We have one  
14 facility, the Azusa facility, that is permitted as a solid  
15 waste inert landfill. We have one facility, the  
16 California Asbestos Monofill in Calaveras County, that we  
17 would like to have fully operated as a tire monofill. It  
18 has all the other agency permits necessary. The problem  
19 has been we haven't been -- it hasn't been clear what kind  
20 of solid waste facility permitting is appropriate.

21 Waste Management is a strong supporter of  
22 the waste management hierarchy, source reduction,  
23 recycling of tires, beneficial use of those tires, but  
24 also there needs to be a place for, we think, monofilling  
25 of tires if there isn't, as Mr. Jones pointed out, a

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1 complete and full market. And we certainly don't object  
2 for markets to be developed over the next five or ten or  
3 how many years it takes to develop a complete market for  
4 California's 30 million tires, but in the interim we would  
5 like to have some kind of safety net that would allow that  
6 when tires can't be beneficially used, they can be put  
7 into a safe and secure depository that would ensure we  
8 won't have the kind of disasters that we've had in the  
9 last couple of years. We think monofills can serve that  
10 purpose.

11                   The monofill sites that we've selected are  
12 not pristine, brand-new cells. They're basically at  
13 reclamation facilities that have been previously  
14 land-spoiled as a result of a mining operation and the  
15 tire monofilling operation can help lead to a land  
16 recovery, a potential land reuse of that. So we try to  
17 choose those kinds of sites for the monofilling  
18 operations.

19                   We want to encourage the concept of the  
20 fact there is a potential for reuse of these tires in the  
21 future. We try to operate these in such a way that they  
22 can be potentially recovered. I don't want to try to kid  
23 you there is going to be a reuse market for these  
24 monofills tomorrow or even next year, but we do preserve  
25 the opportunity to go in and recover those tires whenever

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1 possible.

2                   Really probably the most important thing  
3 about a tire monofill is it virtually eliminates the  
4 potential for fires. We've worked really closely with the  
5 Board staff over the years. We've worked closely with  
6 renowned consultants of the nation to try to make sure  
7 that the design characteristics and parameters of these  
8 fills are such that they would not lead to any kind of  
9 tire fire. We use heat sensors, we do appropriate cover  
10 materials, and we closely monitor these fill operations to  
11 make sure there is no endangerment from the kinds of  
12 problems we've had in the last couple of years.

13                   Again, I would urge you to look at this as  
14 a safety net. Hopefully we can get tires totally reused  
15 through rubberized asphalt, through rubberized products  
16 that can be made from tires, but until that time is ready  
17 and available, let's try to make sure that when we do have  
18 tires for which we can't find a beneficial use, they go  
19 into a safe and secure facility. If you look at the  
20 hierarchy, we believe a monofill would be a higher and  
21 better place to put these than in an open, above-ground  
22 pile.

23                   State law clearly, as the Senator  
24 mentioned, recognizes that there is a need for this safety  
25 net. The state law actually mandates -- in fact, the

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1 ten-year anniversary of that law is next month, March  
2 30th. Ten years have gone by and we still haven't  
3 developed emergency regulations to provide for the  
4 permitting of these kinds of monofill operations to  
5 provide this safety net until markets are fully up and  
6 running.

7                   We would encourage the Board to move  
8 forward. The exact mechanism, whether it's a Board-issued  
9 permit or LEA-issued permit, is less important. If we  
10 could hopefully move forward from today with a clear path  
11 that we know how to follow to get a solid waste permit or  
12 tire facility permit for this kind of operation, and  
13 that's really what my request to you today is, to try to  
14 give us a clear path that we can move forward in the next  
15 few days or months to get a fully authorized facility up  
16 and running, in the case of the CAM facility in Calaveras  
17 County.

18                   Today I've got Mr. Joey Toney here. He is  
19 the general manager of the CAM facility in Calaveras  
20 County. Board staff, your consultants have really worked  
21 closely with Mr. Toney over the years. Joey, why don't  
22 you get up and introduce yourself. If you have any  
23 questions about the technical aspects of operating a  
24 monofill, there's probably nobody in the western United  
25 States that knows more about it than Mr. Toney.

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1 MR. TONEY: Time to ask for a raise.

2 (Laughter)

3 MR. TONEY: My name is Joey Toney. I'm the  
4 operations manager at CAM.

5 Historically CAM was the largest asbestos  
6 mine in the country. It closed in 1987, not for  
7 environmental reasons. They ran out of profitable ore.  
8 So at that point we had a very big hole in the ground. We  
9 passed about 16 million cubic yards and we had voluminous  
10 piles of cover material which is essentially serpentine  
11 sand.

12 In that situation, the reclamation plan  
13 required us to look at landfilling as a potential  
14 alternative, which we did, and we identified inert  
15 materials as being acceptable. We did two EIRs. We've  
16 done four since supplements, and what we have found is  
17 that this has worked very well for us in being able to  
18 return a lot of this material back to the pit and also to  
19 the people of California in trying to provide a worthwhile  
20 disposal service. And so we've had good success with  
21 that.

22 The asbestos disposal market starts to  
23 decline. As they remove asbestos from a building, you  
24 don't put it back again. It's a one-shot kind of thing.  
25 We started receiving asbestos in '90, started to lose

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1 steam around '96 and '97, then we started to look at  
2 tires. With the various issues going around the state  
3 about fires and all that, it seemed like an appropriate  
4 subject. We looked at it. That is inert.

5                   We have received tires at CAM. We received  
6 a million tires from the windbreak cleanup. Those were  
7 bailed. The total was a million tires, and we disposed of  
8 that in about three months. So we have experience at it.  
9 I think we have -- and it wasn't a good plan on our part,  
10 we were just lucky.

11                   We have a good site, low permeability,  
12 plenty of cover material. I think that -- the way I sort  
13 of look at this is a window of opportunity where CAM might  
14 step up to the plate here and help out for a few years.

15                   If you have any questions, I'll do my best  
16 to answer them.

17                   CHAIRMAN EATON: Any questions? Thank you.

18                   MR. WHITE: Mr. Chairman, we also have  
19 Brian Moss here from Calaveras County who is the Director  
20 of Environmental Health, and if you give him an  
21 opportunity, he could speak towards this issue as well.

22                   MR. MOSS: Good morning. Just wanted to  
23 state that the Calaveras County Local Enforcement Agency  
24 is obviously here and interested and that we are very much  
25 interested in seeing the CAM facility get clear direction

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1 as to how the monofill regulations are going to be placed.

2 I just wanted to introduce myself and let  
3 you know that as the Local Enforcement Agency, we are very  
4 much interested in seeing this issue resolved as well.

5 If you have any questions, I'm happy to  
6 answer them.

7 CHAIRMAN EATON: Any questions? Thank you,  
8 Mr. Moss.

9 MR. MOSS: Thank you very much.

10 CHAIRMAN EATON: Mr. Fitzgerald, what is  
11 the practical effect of the resolution as before us? And  
12 the reason why I raise it, it was about a month or two  
13 ago, maybe it was three months ago, there was a gentleman  
14 from Calaveras County who came here on another issue that  
15 he was mistaken about and he really wanted to come here  
  
16 and speak upon this issue and we had promised him an  
17 opportunity at some point in the future when we were doing  
18 this. I just want to make sure we haven't blown that  
19 opportunity for those citizens who surround the CAM  
20 facility to have their opportunity to hear the issues.

21 MR. FITZGERALD: This item would merely  
22 define the path. Whatever permitting that goes along  
23 would have to follow that path and have the normal public  
24 inputs and public meetings.

25 CHAIRMAN EATON: Workshops or whatever.

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1                   MR. FITZGERALD: That's correct.

2                   CHAIRMAN EATON: Mr. Jones.

3                   BOARD MEMBER JONES: Mr. Chairman, I didn't  
4 hear a lot of other comments, but I think it is important  
5 that we move forward with a resolution like this, but I  
6 have a question. Part of the problem is the issue I  
7 brought up about if it goes into the tiers and what would  
8 our role be. I'm not sure I want to try to decipher all  
9 that as part of this resolution. I don't think it's fair  
10 to locals and to us, but it -- I think clearly in my view  
11 because of the complexity of some of the issues dealing  
12 with loading and heating and those things that this Board  
13 can't be a reviewer as much as a participant in the  
14 permitting process to let local jurisdictions take  
15 advantage of the expertise.

16                   I think what I want to get to in this  
17 resolution is that we have agreement that we start the  
18 process of the emergency regs for waste tire monofills;  
19 that we develop the criteria for a joint LEA-CIWMB  
20 partnership in the issuance of this permit so that it  
21 doesn't reflect what is reflected in the tiered system,  
22 although this could fit into the tiered system; that we  
23 not take action on the dedicated cells at solid waste  
24 landfills to accept tires until we have a better  
25 understanding of what that means; and that we continue to

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1 let waste going to municipal solid waste landfills to be  
2 commingled with the wastestream that normally gets  
3 accepted.

4 BOARD MEMBER PENNINGTON: Mr. Jones.

5 CHAIRMAN EATON: With the exception of  
6 course of ADC.

7 BOARD MEMBER JONES: Right.

8 CHAIRMAN EATON: What's current in statute  
9 is what you're saying.

10 BOARD MEMBER JONES: And current in statute  
11 is that they can continue -- if they didn't use it as ADC  
12 they could dispose of it in a solid waste landfill, and I  
13 think we need to leave that until we determine --

14 BOARD MEMBER PENNINGTON: Are you  
15 suggesting a prohibition on having a separate cell at a  
16 solid waste landfill?

17 BOARD MEMBER JONES: I'm not suggesting a  
18 prohibition to a separate cell, but I'm not making it a  
19 mandatory requirement --

20 BOARD MEMBER PENNINGTON: Okay.

21 BOARD MEMBER JONES: -- that it be a  
22 separate cell. If somebody wants to dedicate a cell, then  
23 by all means.

24 BOARD MEMBER PENNINGTON: Okay.

25 BOARD MEMBER JONES: At the same time we're

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1 going to have to deal with that as part of the regulatory  
2 package because there are going to have to be certain  
3 standards with health and safety, but I -- so while it  
4 could include if an operator wants to have a dedicated  
5 cell, it would also allow the delivery of tires as ADC or  
6 regular MSW to be mixed in with the flow.

7 MR. FITZGERALD: Clarification, Mr. Jones.

8 BOARD MEMBER JONES: Yes, sir.

9 MR. FITZGERALD: Would you -- is it a  
10 motion to move the regulations forward under solid waste  
11 facility or to continue under the tire regulations?

12 BOARD MEMBER JONES: What I wanted to do --  
13 what -- that's why I said this is tough because while I  
14 think it is -- it could appropriately be in the solid  
15 waste facility. It can't -- along with that would be that  
16 the LEAs would take care of it, and I'm not suggesting  
17 that. I'm suggesting that it be joint and that a tier --  
18 why couldn't a tier fall under both categories, under the  
19 tire program and the solid waste facility program?

20 MR. FITZGERALD: If they would go forward  
21 under a registration tier, the standard would apply and  
22 then -- help me a little bit on the legal side on this  
23 one, if you would.

24 MS. TOBIAS: I guess I need to hear a  
25 little bit more about -- I thought I understood when you

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1 started your motion that you were saying that you wanted  
2 the emergency regs to move ahead, which would include  
3 tiering them. Yes?

4 BOARD MEMBER JONES: Yes, but --

5 MS. TOBIAS: But that you wanted the other  
6 part of that to reflect more of a partnership between the  
7 Board and the locals as opposed to it going to the locals  
8 only. So I heard that part, and I don't think I have a  
9 problem with that. I will say that I don't agree with  
10 monofills being permitted under the tire statutes because  
11 I don't think there's any --

12 BOARD MEMBER JONES: No, that's why I said  
13 solid waste. So I agree with you.

14 MS. TOBIAS: I kind of heard that part. At  
15 one point I thought what Fitz kind of said which was --  
16 and I don't think those really address, as far as I'm  
17 concerned, above-ground storage. They don't address  
18 below-ground storage or disposal, and I think it's also  
19 probably important to keep in mind that there's probably  
20 some difference between storage and disposal.

21 BOARD MEMBER JONES: I agree. So I will  
22 try this again. And whoever is writing this down, help me  
23 out here. That I'll move adoption of Resolution 2000-125  
24 to indicate that we move the tire -- the monofill  
25 emergency reg package forward, that tire monofills fall

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1 into the solid waste facility permit under a tier, that  
2 the lead enforcement -- the lead agency would be the Waste  
3 Board with the LEA but the lead would be the Waste Board  
4 so it's consistent with our tire issues, and that if a  
5 landfill wants to operate a dedicated cell, that we put  
6 requirements together as part of this emergency package,  
7 but that we allow the landfilling of altered tires as part  
8 of the solid waste flow, as happens today, that could be  
9 commingled with whatever the flow at a landfill, and that  
10 those tire shreds could also be used as ADC at a landfill.

11 Is that reasonable enough, clear enough?

12 BOARD MEMBER ROBERTI: The only part I'm a  
13 little bit confused about is the allowing the landfill of  
14 the tires as we do now. Doesn't that sort of mitigate  
15 against the resolution, period? Maybe I'm  
16 misunderstanding you.

17 BOARD MEMBER JONES: What I'm saying is  
18 that what was proposed was a prohibition on landfilling of  
19 tire shreds at landfills, and I am offering that we don't  
20 have enough science and there may not be enough capacity  
21 at landfills that will dedicate a cell. And until we get  
22 those standards put in place, we should not require people  
23 to put them into those cells because historically that's  
24 where tire fires happen, when they are not commingled with  
25 MSW but when they are stored separated in single cells at

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1 landfills. I just don't want to have an action that  
2 actually encourages that by our reg.

3 BOARD MEMBER ROBERTI: I understand that,  
4 but doesn't the statute -- I understand that. I don't  
5 know the issue, but doesn't the statute contemplate that  
6 we set aside monofills with separate regulations, at least  
7 one?

8 BOARD MEMBER JONES: Oh, yeah.

9 BOARD MEMBER ROBERTI: So that -- so it's  
10 my feeling that the policy set forth by the legislature is  
11 that we at some point have to adopt separate regulations,  
12 and we're ten years overdue now, I guess. So I appreciate  
13 what you're saying, but I think it would be putting us in  
14 the position of not adhering at a minimum to the spirit of  
15 the legislation.

16 BOARD MEMBER JONES: But part of my motion,  
17 Senator, was that they start the emergency reg package for  
18 monofills, which I think --

19 BOARD MEMBER ROBERTI: So is your part  
20 where we would be commingling with MSW an interim  
21 provision?

22 BOARD MEMBER JONES: It's only those tires  
23 that don't go to monofills. The law says that each region  
24 should have a monofill, not that all tires go to  
25 monofills.

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1                   BOARD MEMBER ROBERTI: I understand that.  
2 But if the legislation contemplates that the regional  
3 monofill, the one regional monofill at a minimum, can be  
4 provided for, whatever, without safety hazard, then I  
5 think as -- I think that's the policy of the legislature,  
6 that we provide for separate regulations and separate  
7 depositing because I think it's presumed here. Whoever  
8 passed this legislation, whenever it was passed, I guess I  
9 was around there at the time, too -- I don't remember  
10 it -- presumes that you can't have a separate set of  
11 monofill regulations and I think it's incumbent upon us to  
12 adopt those.

13                   So I'm fearful what you're doing is  
14 saying -- is minimizing this legislation only to the one  
15 landfill, and I don't think that's the spirit of the  
16 legislation.

17                   BOARD MEMBER JONES: If that's --

18                   BOARD MEMBER ROBERTI: Maybe staff can help  
19 me. Maybe staff can help me. Is that your experience,  
20 that the monofills are where the tire fires take place? I  
21 once -- I know one of my tours of one landfill somewhere,  
22 one of the -- the person that was taking me around said  
23 that if you dig deep enough, all tires are on fire,  
24 monofill or otherwise.

25                   BOARD MEMBER PENNINGTON: I hope they get

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1   them off my car first.

2                               (Laughter)

3                       CHAIRMAN EATON:   They're burning up.

4                       MR. FITZGERALD:   I think one of the  
5   problems here is that we haven't implemented these  
6   technical standards at any of the monofills.   So the  
7   monofill that -- we'll say in Azusa, is not being  
8   regulated by these standards.   So if they are indeed  
9   having fires at the Azusa landfill, we can't say it's  
10   because of the standards.

11                      The standards were developed with the idea  
12   of minimizing the fires at a monofill.   Like I say, they  
13   really haven't been applied except to the CAM facility,  
14   which hasn't been taking tires now for quite some time.

15                      CHAIRMAN EATON:   Let me just ask Mr. Jones.  
16   Your -- you have no problem with the motion as it's  
17   currently written.   What you were asking for is additional  
18   guidance?

19                      BOARD MEMBER JONES:   I have a problem with  
20   this because it has an exclusion on landfilling of tires.  
21   So while I think that my motion -- you know what I'm  
22   trying to do here --

23                      CHAIRMAN EATON:   We're just -- point that  
24   out in the resolution, because I think that's what the  
25   Senator was going to as well, but where's the exclusion

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1 from landfills in the resolution?

2 MR. CHANDLER: It doesn't provide for an  
3 exclusion of landfilling. What it does is it simply says  
4 is if you are going to landfill tires, you do it with  
5 these newly adopted technical standards and that you are  
6 no longer allowed to dispose of tires in landfills in a  
7 commingled fashion, as is current practice.

8 I think the question that we're grappling  
9 with is this going to be all-inclusive or is it going to  
10 be specific to a particular jurisdictional area like CAM  
11 or a regional area but not at the impact of other  
12 landfills that may want to continue to take tires under  
13 their existing solid waste facility permit, with their  
14 existing practices. In other words, are these emergency  
15 regs as it relates to tires going to supersede existing  
16 practice and become the new standard under this emergency  
17 regulation on how we are going to handle tires at  
18 landfills in a monofill setting with technical standards  
19 for how they are disposed or stored, depending on your  
20 optimism on how these things are going to be retrieved at  
21 some point.

22 BOARD MEMBER ROBERTI: And it's a major  
23 policy decision.

24 MR. CHANDLER: It is a major policy  
25 decision.

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1                   BOARD MEMBER JONES: The first part of my  
2 motion, the way --

3                   BOARD MEMBER ROBERTI: The first part of  
4 your motion is fine.

5                   BOARD MEMBER JONES: The emergency reg  
6 package set the regs, set the regulations for how any  
7 monofill that comes down the road is going to be  
8 permitted. Right? So I don't care if there's one or 29.  
9 We have to have the reg package. What I'm saying, though,  
10 is that part of this item said that there would be a  
11 prohibition of landfilling tires in landfills, and what  
12 I'm saying is they're not in opposition to each other.  
13 One is to make the regulation so we can effectively do  
14 monofills, and the other one is because part of the item  
15 was that every landfill that ever accepted a tire would  
16 have to have a dedicated cell.

17                  BOARD MEMBER ROBERTI: I did not know that  
18 was in the resolution. Now, maybe --

19                  CHAIRMAN EATON: That's what I'm trying to  
20 figure out. It's not part of one of the recommendations.

21                  BOARD MEMBER JONES: It is the  
22 recommendation that they put in that required waste tires  
23 to be separated from other material -- okay. The page  
24 number is 20-3.

25                  BOARD MEMBER ROBERTI: 20-3.

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1                   BOARD MEMBER JONES: Options for the Board.  
2 Option number three, place monofill regs in a standard  
3 solid waste regulations by creating a special tier to  
4 recognize special requirements for disposal and long-term  
5 underground storage of shredded tires; require waste tires  
6 to be separated from other materials and maintained in  
7 discreet cells. So what that is is a prohibition of  
8 shredded tires to any landfill, and that's the option that  
9 the resolution is based on.

10                   All I'm trying to say is there are two  
11 different items here. One is do we go forward with the  
12 monofill regs, and I'm saying yeah. And then I'm saying  
13 that we should put it in a solid waste tier because it is  
14 disposal or storage underground, but that we share that  
15 responsibility and take the lead with the LEAs and that we  
16 don't have discreet cells for those that are in the flow  
17 today that don't go to monofills; that if they're going to  
18 go to a landfill, they get mixed with the normal stream so  
19 that we don't have tire fires.

20                   That doesn't take anything away from the  
21 regulations to develop for monofills, which I would rather  
22 see these tires go to, but I don't -- by saying that  
23 they're excluded, then you have no home for them.

24                   MR. CHANDLER: So essentially you would  
25 allow for two options. Tires could go down two paths.

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1 One, they could go to a monofill or they could go to a  
2 regular landfill, altered and commingled.

3 BOARD MEMBER JONES: Yes. I don't think  
4 they're exclusive of each other. I think they're two  
5 different issues.

6 MR. CHANDLER: He's proposing that we not  
7 exclude the existing practice of disposing of tires at  
8 landfills, altered by the development of the monofill  
9 regulations. And he's correct. Staff is recommending  
10 that what we do with these technical standards is place  
11 these standards out there on an emergency basis that would  
12 say from now on in the handling of tires, if you're  
13 looking to dispose of them, they go under these technical  
14 standards and be handled in a discreet cell with the  
15 requirements that we developed over the years at the CAM  
16 facility as our pilot.

17 CHAIRMAN EATON: Ms. Moulton-Patterson.  
18 I'm sorry.

19 BOARD MEMBER MOULTON-PATTERSON: Just for  
20 my clarification, Mr. Jones, on option number three,  
21 you're objecting to the last sentence; is that right?

22 BOARD MEMBER JONES: Uh-huh.

23 BOARD MEMBER ROBERTI: Mr. Chairman, I  
24 guess the question hinges as to whether the technology is  
25 sophisticated enough at this juncture that a monofill is

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1 no more apt to be prone to fire than a mixed waste  
2 landfill. What does staff know about that?

3 MR. FITZGERALD: I think that's not a  
4 clear-cut issue. There's --

5 BOARD MEMBER ROBERTI: So you can't give us  
6 an answer.

7 MR. FITZGERALD: The study we had made  
8 these recommendations on these standards, but it didn't  
9 guarantee anything --

10 BOARD MEMBER ROBERTI: No guarantees. I  
11 understand that. A monofill can be set on fire as well,  
12 but do we have any evidence or studies -- studies is  
13 better -- which would corroborate formally Mr. Jones's  
14 experience that it's monofills that catch fire more than  
15 mixed tire MSW?

16 MR. FITZGERALD: I'm not aware of any  
17 study.

18 BOARD MEMBER ROBERTI: That's one that's  
19 very difficult to --

20 (Laughter)

21 BOARD MEMBER JONES: That's not what I'm  
22 saying.

23 BOARD MEMBER ROBERTI: Otherwise known as  
24 garbage.

25 (Laughter)

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1                   BOARD MEMBER JONES: Mr. Chairman, I'm not  
2 saying that monofills catch on fire. That's not what I'm  
3 saying.

4                   BOARD MEMBER ROBERTI: Thank you. I  
5 misheard you.

6                   BOARD MEMBER JONES: I'm saying that the  
7 reason we held back was to get the science to make sure we  
8 built the monofills the right way because stacks of  
9 shredded tires do catch on fire. So we did that. I don't  
10 have a problem with that.

11                   We need to go forward with the monofill  
12 regs. What I'm saying historically is that when you  
13 segregate tire shreds and put them into landfills where  
14 they are surrounded by inert material that could contain  
15 organic pesticides, that there is a history that those can  
16 catch on fire. There is less of a history that -- not  
17 less of a history but less of an occurrence that municipal  
18 solid waste landfills that have accepted tires as part of  
19 the stream don't have the same tendency for those fires  
20 because there isn't the accumulation of shreds that caused  
21 that heat to be generated. And that is pretty much  
22 mirrored in the one foot of alternative daily cover that  
23 gets covered every day at a landfill that is using tire  
24 shreds.

25                   I'm not saying -- I am for the tire

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1 monofills. I am for the regulatory package going through  
2 as a solid waste landfill. What I am opposed to is the  
3 prohibition of other tires that don't go to monofills or  
4 to crumb rubber dealers or to civil engineering projects  
5 to be forced to go to a dedicated cell that may not exist  
6 and may not be operated to a standard that we assume  
7 because we put it into regulation is going to be there  
8 because we haven't developed those standards yet. I  
9 wanted to include that as part of the motion because  
10 they're two different operating standards.

11 BOARD MEMBER ROBERTI: The monofill and the  
12 regulated cell, what's the difference between the two of  
13 those?

14 MR. FITZGERALD: They would be under the  
15 same technical standards.

16 BOARD MEMBER ROBERTI: In effect be the  
17 same if we pass the regulation.

18 CHAIRMAN EATON: It's kind of like a  
19 Wal-Mart where you have a big kind of cell and then a  
20 small kind of cell --

21 BOARD MEMBER ROBERTI: If that's the case  
22 and if we have the technology that says the monofill can  
23 be, I guess, as safe as any other method of dumping, then  
24 I don't see the point in not having those regulations  
25 extend to the regulated cell and then the regulated cell

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1 then become the default method of disposing of tires  
2 rather than the mixed with MSW. If we have the standards  
3 for one in place and those can be applicable to the other,  
4 my preferences would then be that we at some point, and  
5 now is as good a time as ever after ten years, that we set  
6 monofills aside and set separate cells aside and that  
7 become the preferred way of dumping, indeed the only way.

8                   So I agree with all of Mr. Jones's  
9 resolution except the last line.

10                   BOARD MEMBER JONES: Can I ask one  
11 question?

12                   CHAIRMAN EATON: Mr. Jones.

13                   BOARD MEMBER JONES: If nobody dedicates a  
14 cell at a landfill to accept these tires, what are we  
15 going to do with them?

16                   MR. WHITE: Mr. Chairman, may I offer a --

17                   CHAIRMAN EATON: Go ahead, Mr. White, but  
18 be quick because I want to ask one other question.

19                   MR. WHITE: The understanding that we have  
20 of fires that have occurred is generally when you have  
21 pockets of shreds surrounded by organic material, they  
22 interact with those large pockets of shreds. Mr. Jones is  
23 right. If the shreds are diffused throughout the landfill  
24 at a normal landfill, there is probably less of a chance  
25 for fire. In a monofill type of operation like we're

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1 proposing, for example, at CAM, you don't have any organic  
2 material at all. You're basically monofilling it with  
3 totally inorganic mine tailings.

4 BOARD MEMBER ROBERTI: Isn't that what  
5 you're doing with a separate cell?

6 MR. WHITE: A separate cell, but there's no  
7 contact with organic material whatsoever, so there's  
8 really a minimized chance of fire at a monofill  
9 environment.

10 If I could offer a possible solution, I  
11 would urge the Board to consider this as a two-step  
12 process. Let's get the regulations in place to allow a  
13 monofill to get up and running, and then once they're up  
14 and running through these regulations, you, the Board,  
15 were to come back and determine that it's better to put  
16 all tires into those kinds of monofill environments, you  
17 can do that as part of a second step. But we're pleading  
18 with you to give us a clear road so we can get this  
19 monofill with an appropriate solid waste facility permit  
20 up and running. And then down the road, once it is up and  
21 running with the permit, you can make a determination if  
22 that's the kind of location where you want to direct all  
23 tires that are disposed in land, but in the interim until  
24 it's up and running, I think you should leave the other  
25 kinds of operations that are currently underway under the

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1 current permitting structure in place.

2 BOARD MEMBER ROBERTI: Mr. Chairman.

3 CHAIRMAN EATON: Senator Roberti.

4 BOARD MEMBER ROBERTI: I think I would like  
5 to offer a substitute motion, the original 2000-125, and  
6 see if it goes up or down. If it goes down, we need to do  
7 something else, but I would like to vote on something that  
8 is a little bit more permanent in this area and that  
9 monofills or the separate cell, which is a mini monofill,  
10 become the default method and only default method of  
11 disposal of tires. If we have the technology in place for  
12 monofills, then we have it in place for the cell as well.

13 The legislature does contemplate that we  
14 set up a system of landfilling of tires where the tires  
15 can be at some future date mined or whether somebody  
16 thinks this is practical or impractical isn't quite the  
17 case. We have to adopt regulations pursuant to what the  
18 wishes of the legislature were and I think that's  
19 absolutely clear what the case is.

20 I would like to offer that as a substitute  
21 motion. It's a little bit broader. If for some reason it  
22 doesn't pass, then we'll vote on the next one.

23 BOARD MEMBER MOULTON-PATTERSON: Second.

24 CHAIRMAN EATON: Substitute motion takes  
25 priority. If you'll indulge me to ask one question from

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1 staff so I can get clarification on either one of the  
2 motions. Currently right now, what is allowed with regard  
3 to tires at a landfill, whether it be at Kieffer or at  
4 Puente Hills? What can you do? You can use them for ADC;  
5 correct? I want to find out. Let's get an inventory and  
6 I think that's what Mr. Jones is figuring. Is there  
7 legitimate uses that were not and -- I don't know,  
8 honestly.

9 MR. FUJII: Bob Fujii, Special Waste  
10 Division.

11 To answer your question, right now  
12 currently the landfills can accept any tire that basically  
13 is altered and that includes ADC, whether it be shredded,  
14 whether it be bailed. It can be accepted except as whole  
15 tires.

16 CHAIRMAN EATON: And then mixed with --

17 MR. FUJII: Commingled with solid waste.  
18 Correct.

19 MS. TOBIAS: Mr. Chair, could I make a  
20 point on the resolution?

21 CHAIRMAN EATON: Sure.

22 MS. TOBIAS: If this substitute motion is  
23 voted on, I would like to point out that I'm not sure that  
24 the resolution really addresses the second part of that,  
25 which is the requirement that the waste tires be

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1 separated. So we would want to add in, if that's part of  
2 the motion. That needs to be added into the resolution  
3 and I think it suffices that we can just make this  
4 statement --

5 BOARD MEMBER ROBERTI: Consistent with what  
6 the resolution presumes based on the text.

7 MS. TOBIAS: I don't see it.

8 CHAIRMAN EATON: I'd like to ask Mr. White.  
9 At Altamont, do you understand what would happen, that you  
10 wouldn't be able to do these tires under this motion? Is  
11 that what you want? Because I know you've got a different  
12 facility but you've got two facilities. What you're  
13 saying here is that at one of your other facilities you  
14 wouldn't be able to take any tires in that weren't in a  
15 separate cell, I think.

16 MR. WHITE: I was trying to encourage the  
17 Board to consider doing it as part of a two-step process.

18 CHAIRMAN EATON: Just to answer the  
19 question, understand that's what I'm trying to get at --

20 MR. WHITE: To use tires for alternative  
21 daily cover, it's a widespread practice throughout the  
22 state. I would encourage the Board to continue to allow  
23 at least that continued use for ADC.

24 BOARD MEMBER ROBERTI: And the text  
25 supporting the Resolution 2000-125 backs -- supports the

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1 addition that Ms. Tobias has recommended we include, and  
2 I'm happy to do that.

3 MS. TOBIAS: The Executive Director and  
4 another Board Member are pointing out to me that they  
5 think in the last -- in the last resolution, "be it  
6 further resolved" when it says I guess in a positive way  
7 that the regulatory tier would require tire shreds and  
8 other forms of volume reduced tires to be stored in  
9 monofills. I guess what it doesn't go on to say is that  
10 wouldn't change current practice, so it didn't seem  
11 extremely clear to me but it is for the Executive Director  
12 and another Board Member.

13 MR. CHANDLER: That was our intent.

14 MR. FITZGERALD: That was the intent.

15 BOARD MEMBER ROBERTI: I was willing to  
16 make the addition, but since it's on the record now that's  
17 what we're presuming, I'll offer the Resolution 2000-125  
18 as originally drafted by staff as a substitute motion with  
19 the proviso that we're not altering the use of shredded  
20 tires for ADC as the prior speaker was concerned.

21 CHAIRMAN EATON: Mr. Jones.

22 BOARD MEMBER JONES: I have a question.

23 CHAIRMAN EATON: Sure.

24 BOARD MEMBER JONES: So are we saying then  
25 since it's going into a tier that the Waste Board isn't

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1 going to have anything to do with the permitting, that  
2 it's only going to be the LEA? Since the LEA is shaking  
3 his head he doesn't want that.

4 BOARD MEMBER ROBERTI: No. We should be  
5 co-lead with the LEA. I agree with you on that and thank  
6 you for catching it.

7 BOARD MEMBER JONES: Does this resolution  
8 now ban altered tires from municipal solid waste landfills  
9 throughout the state of California?

10 MR. CHANDLER: What this resolution does is  
11 it would have that effect once the emergency regulations  
12 were promulgated, which this Board would have to obviously  
13 view. It seems to me in developing those regulations to  
14 also include this provision of this co-lead concept, which  
15 is what I'm hearing today is the desire of the Board. But  
16 yes, the practical effect of those emergency regulations  
17 after they're put forward and the 30 days passes that  
18 there would be a requirement that you would no longer  
19 allow tires in an altered form to be disposed of in  
20 landfills unless they're done in accordance with these  
21 technical standards that have been developed through our  
22 work at the CAM facility.

23 BOARD MEMBER JONES: Which means if they're  
24 going to go to a landfill. Right now the way this is, the  
25 only ones that will ever be able to take it are going to

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1 be CAM and Azusa. Until other landfills determine that  
2 they're willing to dedicate a cell to waste tires,  
3 dedicate a cell, and if you went to -- if anybody -- well,  
4 those that went to San Luis Obispo and looked at a  
5 landfill that's going to be in place for the next 30  
6 years, that's one cell. They don't have another cell for  
7 tires. So I don't know what they're going to do in San  
8 Luis Obispo to get rid of tires or if they can use them as  
9 ADC.

10 I'm just trying to bring forward some ideas  
11 that it is great to do a policy to eliminate something,  
12 but I hope that a result of that is not either that every  
13 tire in the state gets shredded as ADC or they end up in  
14 above-ground piles because the landfills do not have  
15 dedicated cells. That just does not seem to me -- I like  
16 the idea of doing this in two approaches because it seems  
17 that it just doesn't make sense. We are going to  
18 eliminate something that we don't even know if we have  
19 homes for.

20 BOARD MEMBER ROBERTI: Mr. Chairman.

21 CHAIRMAN EATON: Senator Roberti.

22 BOARD MEMBER ROBERTI: I want to emphasize  
23 that that policy decision has been made by the legislature  
24 and not by us. The statute says that there shall be at  
25 least one landfill in each region of the state. Now, if

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1 they meant one in the north and one in the south, they  
2 would have said one in the north and one in the south.  
3 Each region of the state means more than two, I think, by  
4 any definition. Yes, I guess, if had you some really  
5 sharp lawyers they might say you only mean two, but each  
6 region of the state contemplates something much more  
7 plural than two.

8                   That being the case, that means that there  
9 have to be other cells and other monofills established and  
  
10 that's it. So right now we only have two, but I think it  
11 does contemplate that there's got to be more and that our  
12 regs have to apply to those.

13                   So you make a good argument. I don't agree  
14 with it, but it's a good argument, but I don't think it's  
15 one that we have the province to make right now ten years  
16 after the passing of the statute. We're under an  
17 obligation to pass regulation consistent with what the  
18 legislature has demanded that we do, and now I guess --  
19 now is as good a time as ever.

20                   CHAIRMAN EATON: I think procedurally we're  
21 talking about one and the same thing, whether you call it  
22 a two-step process. If the substitute motion as proposed  
23 by Senator Roberti and seconded by Ms. Moulton-Patterson  
24 should get sufficient votes, then the issue becomes of  
25 these regulations being put into place; is that right,

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1 Mr. Fitzgerald? But then those have to come back to the  
2 Board? That's -- do we -- the issue of the separate cell  
3 that would be consistent with the statutory scheme that  
4 was done ten years ago, does that come back to us for  
5 adoption or does action today make that pronouncement?

6                   The reason why I ask it is because if it  
7 doesn't make that pronouncement today, all we're doing is  
8 being consistent with the statute, then we will have the  
9 public workshops, the public comments, so that whatever  
10 examples Mr. Jones, whether it be San Luis Obispo or  
11 whatever, would determine out there. That gives us a  
12 second opportunity to determine if there's quantitative  
13 issues and then which case we probably have to seek a  
14 statutory if the Board would determine policy-wise, but do  
15 we get that to come back as part of that regulatory  
16 package. I would think so.

17                   MR. FITZGERALD: I would defer to legal  
18 staff.

19                   MR. CHANDLER: We developed a set of  
20 regulations which you approved last October. What we're  
21 proposing to do is remove that section of those  
22 regulations and put them on an emergency track and to  
23 bring it forward for this kind of policy discussion.

24                   I agree with you. I think something this  
25 significant would require that when we modify, should the

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1 resolution pass, that reg package to include this co-lead  
2 concept and any other fine tuning of those technical  
3 standards, that it come back to this Board before it be  
4 ultimately put out for that 30-day emergency notice  
5 through OAL.

6                   My vote would be -- my recommendation  
7 certainly would be to bring that regulatory package back  
8 in front of this Board for a final review before it goes  
9 out the door, but those regulations are pretty much  
10 written. We had them ready last fall. They are written  
11 on the good work that we did with Mr. Humphries and the  
12 CAM facility. They're there.

13                   CHAIRMAN EATON: Right. All I'm trying to  
14 do is reconcile. I don't think it's that far off. We're  
15 trying to be consistent with the statutory scheme.

16                   Mr. Jones has raised a valid point in terms  
17 of finality of this, then in between maybe a way to work  
18 at it if there is no finality to that issue -- and I don't  
19 think the Senator disagrees -- if there's something that  
20 comes out in the intervening time, that maybe what we do  
21 is we have -- instruct the staff as part of the motion,  
22 substitute motion I should say, that we have a workshop on  
23 this whole issue with regard to whether or not the San  
24 Luis Obispo or the other issues would prevent it because  
25 that's part of the public comment period. And then you

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1 would not have the finality that Mr. Jones feared, but yet  
2 I think it is correct that the consistency with the  
3 statutory scheme which basically says we have to figure  
4 out a way to place them in a separate thing for future  
5 mining with no value judgment as to whether or not that's  
6 something that's technically possible.

7 BOARD MEMBER ROBERTI: It may happen a  
8 thousand years from now. I don't know.

9 CHAIRMAN EATON: But I don't want you to  
10 get caught in the finality because I think what's going to  
11 happen is probably some of the landfills out there are  
12 going to realize that they're going to be pretty much put  
13 out of business and we ought to give them an opportunity  
14 as a Board for that finality. I think that's all you're  
15 asking.

16 BOARD MEMBER JONES: They're not going to  
17 get put out of business. They're just not going to  
18 dedicate a cell. So you've got a set of rules that's  
19 great to have.

20 CHAIRMAN EATON: I understand. I'm just  
21 trying to avoid the finality, and I think everyone else is  
22 in agreement with that, that we have an opportunity to do  
23 so.

24 There's a substitute motion.

25 BOARD MEMBER PENNINGTON: I have a question

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1 about the timing here. If we prohibit tires from going  
2 into landfills, we're going to do that before we get the  
3 other cells built or the other monofills built. It's  
4 going to take a lot less time to get regs through than it  
5 will to build a separate cell; right?

6 BOARD MEMBER JONES: Exactly. Or to buy  
7 the land or line it.

8 BOARD MEMBER PENNINGTON: So then you're  
9 really squeezing it down to two places.

10 CHAIRMAN EATON: But the issue really is  
11 what we're -- that's a statement and that's something that  
12 we need to have some additional kinds of public comment  
13 and not through a regulatory or regulation being sent out  
14 but some sort of workshop or an issue before the Board is  
15 what is that issue as it relates to that.

16 MR. CHANDLER: If you have an effective  
17 date in which the regulations go into effect, and that  
18 would be your time in which you would say these are  
19 effective.

20 BOARD MEMBER PENNINGTON: I think that he  
21 makes a point that if all you have is two localities that  
22 can accept them, other than ADC, then boy, we're going to  
23 have these illegal piles again. If you have no landfill  
24 that's going to take it except one that's 75 or 100 miles  
25 away or even more, I think you're going to end up -- I

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1 agree with let's get these things regulated, let's get  
2 them into a monofill. I think that's the way to go, but  
3 I think squeezing it to the point where you're not going  
4 to have any other facilities then puts us in a position of  
5 maybe complying with what the legislature wanted us to do,  
6 but I don't think the legislature wants us to develop a  
7 situation where we're going to develop more illegal piles.

8 BOARD MEMBER ROBERTI: Mr. Chairman.

9 CHAIRMAN EATON: Senator Roberti.

10 BOARD MEMBER ROBERTI: I appreciate what my  
11 two colleagues are saying. However, we are passing a  
12 general policy this afternoon with the passage of the  
13 regulations that the prohibition actually comes about, but  
14 I would just add that it's ten years after the original  
15 statute was passed and at some point it was incumbent upon  
16 us to pass regulations consistent with what the  
17 legislative directive is. It's not for us to make the  
18 policy choice that we think it's a good idea or a bad  
19 idea. That's not what an administrative board does.

20 BOARD MEMBER PENNINGTON: But we could  
21 adopt the regulations for the monofill without prohibiting  
22 them from going into --

23 BOARD MEMBER ROBERTI: We aren't today.

24 All we are doing today --

25 BOARD MEMBER PENNINGTON: I read this

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1 resolution as doing that where it says, "Be it further  
2 resolved that the Board hereby directs staff to develop a  
3 regulatory tier and to require tire shreds and other forms  
4 of volume-reduced tires to be stored in monofills in  
5 accordance with the performance standards approved by the  
6 Board." That's saying that's where they've got to go.

7 BOARD MEMBER ROBERTI: Yes, when the  
8 regulations are passed. I agree with you, but that's not  
9 today.

10 BOARD MEMBER PENNINGTON: And I agree with  
11 that. The problem that I see is that we can get the regs  
12 done a lot quicker than you can build a cell or build a  
13 monofill. If there's only two locations in the state --

14 MR. FITZGERALD: As a suggestion, perhaps  
15 the regulation could be a phase-in period for them to  
16 become effective.

17 BOARD MEMBER PENNINGTON: I could feel  
18 better about at least having a phase-in period.

19 MR. FITZGERALD: Say a phase-in period of  
20 12 to 18 months so that all --

21 CHAIRMAN EATON: We have to have some  
22 public comment. You don't have any information as to  
23 regards to San Luis Obispo and the example of Puente  
24 Hills. I'm trying to reconcile what is the statutory  
25 scheme and what is it that we're going to do to determine

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1 whether or not we have to go and look at it differently.

2 I don't think we're that far off. I think  
3 the motion protects Mr. Jones, quite frankly, and I think  
4 it allows -- if it's going to be brought back before us,  
5 we get a chance to look at it again; do we not? If that's  
6 the issue. I don't see -- I mean it's not the finality of  
7 it.

8 BOARD MEMBER ROBERTI: Mr. Chairman,  
9 doesn't your series of workshops contemplate --

10 CHAIRMAN EATON: I would think so.

11 BOARD MEMBER ROBERTI: -- a period of time?

12 CHAIRMAN EATON: And they wouldn't come  
13 back before us until those were complete. A workshop can  
14 be noticed very quickly on this issue, within the next 90  
15 days. I think there's some other issues that have to be  
16 worked out as well.

17 BOARD MEMBER JONES: Mr. Chairman.

18 CHAIRMAN EATON: Yes.

19 BOARD MEMBER JONES: If -- what my  
20 original -- what my original motion was -- and I know  
21 we're dealing with a substitute -- was to develop the  
22 regulations for monofills and to include the single cells;  
23 right? Just not to prohibit, and that is -- then the  
24 prohibition doesn't have to be done as part of the reg  
25 package. It can be done as a separate item that prohibits

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1 tires from going to municipal solid waste landfills. That  
2 would be sometime after not only the regulations are  
3 built, but that an industry wants to make the commitment  
4 to dedicate a cell to be built to standards that can  
5 accept tires.

6 That's -- I don't fundamentally agree with  
7 anything you're saying, it's just an operational timing  
8 issue and that's --

9 CHAIRMAN EATON: Disagree, I think.

10 BOARD MEMBER JONES: No, it's -- I think  
11 that it is -- I've got to rely on my experience of having  
12 to build something based on regulation and knowing how  
13 long it takes to do it, and I just have to stand true to  
14 that.

15 CHAIRMAN EATON: All right. We have a  
16 substitute motion before us if there's no additional  
17 comments, since we've exhausted this one as much as we can  
18 at least looking for some sort of ground. So the  
19 substitute motion before us, as I understand, is Senator  
20 Roberti moves and Ms. Moulton-Patterson seconds that we  
21 adopt Resolution 2000-125 with the clarification or  
22 amendment that it would include the partnership of the  
23 LEA. Is there anything I missed on that?

24 BOARD MEMBER ROBERTI: You have it.

25 CHAIRMAN EATON: All right. And we have a

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1 motion and second.

2 Madam Secretary, would you please call the  
3 roll.

4 BOARD SECRETARY: Board Members Jones.

5 BOARD MEMBER JONES: No.

6 BOARD SECRETARY: Moulton-Patterson.

7 BOARD MEMBER MOULTON-PATTERSON: Aye.

8 BOARD SECRETARY: Pennington.

9 BOARD MEMBER PENNINGTON: No.

10 BOARD SECRETARY: Roberti.

11 BOARD MEMBER ROBERTI: Aye.

12 BOARD SECRETARY: Chairman Eaton.

13 CHAIRMAN EATON: Aye.

14 Now we have a motion by Mr. Jones that  
15 would --

16 BOARD MEMBER JONES: That would --

17 CHAIRMAN EATON: I'm trying to go back  
18 through it.

19 BOARD MEMBER JONES: Just to restate it,  
20 would move forward with an emergency reg package to  
21 develop the regs for monofills and at the same time  
22 develop the standards and regs for dedicated cells; that  
23 the LEA -- that this be fit into the tiers as a municipal  
24 solid waste landfill-type, whatever the heck you want to  
25 call this thing; that LEAs and Waste Board share the

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1 responsibility of permitting with the Waste Board taking  
2 the lead; that there be no prohibition on the landfilling  
3 of altered tires until -- or at all until we do a policy.

4 BOARD MEMBER ROBERTI: Mr. Chairman.

5 CHAIRMAN EATON: I'm sorry.

6 BOARD MEMBER PENNINGTON: Second.

7 CHAIRMAN EATON: Mr. Jones moves and  
8 Mr. Pennington seconds and Senator Roberti had a comment  
9 before we vote on the motion.

10 BOARD MEMBER ROBERTI: Yes. I appreciate  
11 what Mr. Jones is trying to do with this. However, I'm  
12 reluctantly going to vote no because I think the standard  
13 policy which should be our operating policy is consistent  
14 with what the legislature has wanted, and that is that we  
15 cell or monofill tires and we establish a policy  
16 consistent with what the legislature passed ten years ago.  
17 Ten years ago.

18 Now, what we would be doing with  
19 Mr. Jones's resolution is well, we're all going to try to  
20 be good boys and girls and be consistent with what the  
21 legislature did, but in effect there's no hammer, there's  
22 no policy, and in effect there will probably be no  
23 regulations and you will still be able to mix tires with  
24 MSW as if the legislature never passed this legislation  
25 ten years ago.

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1                   The policy of the state of California is  
2   that we be able to mine tires, and the policy is that they  
3   be set aside separately. That policy is not one which  
4   this Waste Board has a prerogative in adopting. So  
5   reluctantly, appreciating the motivation behind the  
6   resolution, I personally am going to vote no.

7                   CHAIRMAN EATON: All right. We have a  
8   motion and a second by Mr. Jones.

9                   Madam Secretary, please call the roll. I'm  
10   sorry. Mr. Jones moves and Mr. Pennington seconds.

11                  Now Madam Secretary, please call the roll.

12                  BOARD SECRETARY: Board Members Jones.

13                  BOARD MEMBER JONES: Aye.

14                  BOARD SECRETARY: Moulton-Patterson.

15                  BOARD MEMBER MOULTON-PATTERSON: No.

16                  BOARD SECRETARY: Pennington.

17                  BOARD MEMBER PENNINGTON: Aye.

18                  BOARD SECRETARY: Roberti.

19                  BOARD MEMBER ROBERTI: No.

20                  BOARD SECRETARY: Chairman Eaton.

21                  CHAIRMAN EATON: Aye. All right. I get  
22   to please everyone because I'm the last. We've been  
23   waiting for a long time for this. About the only thing  
24   you get out of this position that's sort of what some  
25   refer to as a "perk."

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1 (Laughter)

2 CHAIRMAN EATON: Let me try a third motion.

3 BOARD MEMBER ROBERTI: Come up with  
4 something.

5 CHAIRMAN EATON: I'll come up with  
6 something, and that's why I did the two yeses. That we  
7 adopt the motion as proposed by Senator Roberti, but as an  
8 addendum, prior to any implementation or effective date of  
9 that we hold a series of two workshops with regard to the  
10 issue of mining. Let's get some information on mining.  
11 Let's get some information with regard to what Mr. Jones  
12 talked about as it related to what adverse economic impact  
13 perhaps on local municipal or private landfills, and that  
14 that information be brought back to the Board as a  
15 separate -- I was going to do it but within 90 days.

16 BOARD MEMBER ROBERTI: Fine with me.

17 CHAIRMAN EATON: Do you want a second item  
18 to be brought back or as part of the package?

19 BOARD MEMBER ROBERTI: Part of the  
20 package.

21 CHAIRMAN EATON: And that after the  
22 workshops it be brought back as a second item. That kind  
23 of splits the bath water, but it also provides information  
24 about some of the technological stuff on the mining as  
25 well as the finality that you have, which I think you need

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1 to go out and get, or we need to go out and get.

2 BOARD MEMBER JONES: I don't need to get.

3 CHAIRMAN EATON: Well, then I misspoke.

4 Then I apologize. That I need to -- have to find out  
5 whether or not any landfills that are currently accepting  
6 it under current law will be adversely impacted either  
7 economically or otherwise and yet be consistent with it.

8 BOARD MEMBER MOULTON-PATTERSON: I'll  
9 second.

10 MR. WHITE: Mr. Chairman, may I ask for  
11 clarification?

12 CHAIRMAN EATON: Sure.

13 MR. WHITE: What this would allow -- I  
14 think I just heard you say that you would go ahead and  
15 develop emergency regulations on a fast track to allow  
16 us -- to give us a permit path, for example, to get the  
17 CAM facility up and running, but the second phase, that is  
18 of determining whether or not there should be some kind of  
19 further restriction on other projects, would be held in  
20 abeyance until such time as you held the workshops, but  
21 the workshops would not hold us up in getting emergency  
22 regulations developed to establish the permitting path for  
23 a monofill facility.

24 CHAIRMAN EATON: That's not what you heard.

25 (Laughter)

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1                   MR. WHITE: Could I request the Board to  
2 consider that as an option please?

3                   CHAIRMAN EATON: You can consider it. I  
4 think the issue right here is before, I want to see the  
5 regulations and see what the final policy is. I don't  
6 want to get back to two policies. We're going to move  
7 quickly, as soon as they can get the workshops up. I gave  
8 them a time frame of within 90 days. If they can develop  
9 it earlier, that's fine with me, but it's really on this  
10 one issue. I would like to resolve the whole issue with  
11 regulations and everything in one fashion and that sort of  
12 puts pressure on it. I understand, but I don't think it  
13 affects your way of going on the permit side.

14                  MR. WHITE: We can operate, for example,  
15 the CAM facility tomorrow had we a permit either from the  
16 LEA or the Board. We were reluctant to start operating  
17 until we had either one of those two.

18                  BOARD MEMBER ROBERTI: Unfortunately you  
19 represent two facilities with cross purposes here and  
20 that's your problem, not the Board's problem. I agree  
21 with the Chairman that we should have once -- not go with  
22 the terrible complication of having the two sets of  
23 regulations.

24                  CHAIRMAN EATON: Okay. So that's my  
25 motion. Do I have a second?

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1 BOARD MEMBER MOULTON-PATTERSON: Second.

2 BOARD MEMBER JONES: Would you repeat the  
3 motion because I want to --

4 CHAIRMAN EATON: Sure. You've been waiting  
5 for how long to do that one to me.

6 I would move that we adopt Resolution  
7 2000-125 as proposed by Senator Roberti, which would be  
8 the amendment with regard to the partnership exploration  
9 with the LEA and having some sort of concurrent or  
10 whatever jurisdiction over the permits, and in addition to  
11 Senator Roberti's proposed amended resolution, that within  
12 90 days staff is instructed to hold a series of workshops  
13 on the issue, not only of mining and consistency with the  
14 statute as to what the feasibility is currently but also  
15 some of the adverse impact and solicitation of information  
16 from those entities, whether they be privately owned or  
17 municipally run landfills that currently accept tires  
18 under the current statutory scheme; and that the Board  
19 would not act upon those regulations until that  
20 information would be able to be presented in an item which  
21 would include the regulatory package based upon the public  
22 input from those workshops.

23 BOARD MEMBER JONES: So the ban would not  
24 happen until after the workshops and --

25 CHAIRMAN EATON: The ban would not happen

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1 at all until -- if they were part of that regulation. It  
2 may very well be that based upon public information we  
3 find out that the regulatory scheme or the regulations  
4 that would come before us may be changed at that point.

5 BOARD MEMBER JONES: Okay.

6 CHAIRMAN EATON: I don't think it's the  
7 regulations that we look at right today.

8 BOARD MEMBER JONES: No, I can appreciate  
9 that.

10 CHAIRMAN EATON: That's all I'm trying to  
11 get at.

12 BOARD MEMBER JONES: Because I worry about  
13 that part of the legislation that says develop the  
14 regulations, and I read that to mean to develop the  
15 regulations, not ensure that there's a monofill in every  
16 county.

17 CHAIRMAN EATON: I'm simply trying to meet  
18 with what I think is the correct and valid position, that  
19 the statutory scheme allows us no other alternative but  
20 what we do is we simply put it off ten years, 90 more  
21 days. There's an issue of legitimacy that you raised, as  
22 well as Senator Roberti, as we talked about in terms of  
23 the information is what it is. We may have to go back to  
24 the legislature and say what you thought about ten years  
25 ago didn't work, but we need to have that information. I

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1 don't have that, so it's a way of doing that.

2 BOARD MEMBER JONES: That works.

3 CHAIRMAN EATON: Does that work?

4 BOARD MEMBER JONES: That works.

5 CHAIRMAN EATON: All right. So Mr. Eaton  
6 moves and Ms. Moulton-Patterson seconds that we adopt the  
7 resolution as proposed.

8 Madam Secretary, please call the roll.

9 BOARD SECRETARY: Board Members Jones.

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY: Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: Aye.

13 BOARD SECRETARY: Pennington.

14 BOARD MEMBER PENNINGTON: Aye.

15 BOARD SECRETARY: Roberti.

16 BOARD MEMBER ROBERTI: Aye.

17 BOARD SECRETARY: Chairman Eaton.

18 CHAIRMAN EATON: Aye. We've gone a little  
19 bit longer than expected. We will break for lunch. It is  
20 now approximately 12:30. We will come back at 2:00 p.m.  
21 and pick up Item Number 22 which will be household  
22 hazardous waste grant awards.

23 Thank you.

24 (Lunch recess taken)

25 CHAIRMAN EATON: Welcome back, everyone.

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1 Sorry for the short delay. Members, any ex partes to  
2 report?

3 Mr. Pennington.

4 BOARD MEMBER PENNINGTON: Just Chuck White  
5 and George Larson, just briefly, comments.

6 CHAIRMAN EATON: Mr. Jones.

7 BOARD MEMBER JONES: Chuck White, George  
8 Larson, Chuck Helgot, and then a brief conversation with  
9 our friends from Modesto and Coachella.

10 CHAIRMAN EATON: Ms. Moulton-Patterson.

11 BOARD MEMBER MOULTON-PATTERSON: I have  
12 none.

13 BOARD MEMBER ROBERTI: None for me.

14 CHAIRMAN EATON: And I, too, just had a  
15 short, brief conversation with Chuck White and George  
16 Larson regarding the monofill tire regulations.

17 Okay. We had left off with Item Number 22,  
18 but before we do that, I'm going to do something I  
19 normally don't do and skip and go out of order to Item  
20 Number 58, if I could have Mr. Dan Pennington join me at  
21 the lectern over there.

22 We really have come to a time, I guess, and  
23 I was trying to think over lunch but I was thinking about  
24 it a lot over the weekend, that all good things must come  
25 to an end is the saying, but I don't want to believe that

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1 in this instance. Dan Pennington has been a member, as  
2 all of you know who are here today, for a long time. He  
3 carried the Board during a time when it was subjected to a  
4 lot of criticism when he first became not only a Board  
5 Member but Chair and given that opportunity to be Chair  
6 and then sort of had to try and navigate the Titanic, so  
7 to speak, during that time through some pretty stormy  
8 times, and he brought a sense of calm and a sense of  
9 accomplishment to this Board.

10                   When I came to the Board he's been not only  
11 a only a gentleman but sort of a mentor, and a mentor not  
12 in a way where not someone takes you into his office and  
13 talks to you about issues or talks to you about what's  
14 kind of going on. He will kind of make a comment once in  
15 a while as he sees you in the hallway or looks in your  
16 eyes and you kind of know, and that really helped me  
17 through my first year at the Board. When I became Chair,  
18 he had three or four zingers for me one day, which I  
19 didn't understand at all but today I understand more than  
20 anything, and they have provided me at least with what I  
21 hope is a solid foundation for whoever succeeds me or  
22 whoever eventually becomes Chair in future years, but  
23 there's not much more to say than to let everyone know  
24 here how much Dan Pennington has meant to this Board now  
25 and in the future. I just hope that if things are that he

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1 is not reappointed by next week, that at least we have  
2 someone who has the caliber, the integrity and the honesty  
3 and forthrightness on this Board to assist us in what our  
4 future endeavors are.

5 I think the state of California and the  
6 citizens of California owe you, Dan, a great deal of debt,  
7 but more importantly your wife Marilee who has put up with  
8 all of us for all of this time and really has been the  
9 silent partner, I believe, for those of you who know Dan,  
10 has been a strong guiding light and with his family and  
11 stuff, and it's just a sad occasion that I have to present  
12 a resolution which can never, ever, ever do you the kind  
13 of credit or justice that you have.

14 I just want to say personally even though  
15 we've had differences and all kinds of things,  
16 philosophically we've never had a harsh word or I don't  
17 think he's ever had a harsh word with anyone here at the  
18 Board. At times when it gets tough, I think that if I can  
19 remember that or if we can all remember that, we'll be a  
20 lot better off for a real consensus builder and promoted  
21 public policy in the state of California. I hope at some  
22 point that you will also again have the opportunity to  
23 serve because that's the kind of people we need.

24 I'm sorry to see you go. I really am.

25 (Applause)

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1                   CHAIRMAN EATON: It's always nice and  
2 traditional to have all the Board Members, if we could  
3 come up and just -- Dan, will you say a few words?

4                   BOARD MEMBER PENNINGTON: Well, first I  
5 want to thank the Chairman for all of his fine, nice  
6 remarks and for all that he has afforded me, all of the  
7 many courtesies that I probably didn't deserve, but he has  
8 been and he's always been charming and pleasant with me  
9 and he let me keep my parking space, so that was  
10 important.

11                   (Laughter)

12                   BOARD MEMBER PENNINGTON: Whoever keeps  
13 parking in there, you're going to get the chance here in a  
14 couple of days.

15                   (Laughter)

16                   CHAIRMAN EATON: We're calling it Dan's  
17 pen.

18                   (Laughter)

19                   BOARD MEMBER PENNINGTON: Four years and  
20 eight months ago, I was sworn in as the Chairman of this  
21 Board and I said at that time that, quote, "I believe that  
22 the strength of any government agency comes from the  
23 worthiness of its mission and the caliber of its  
24 employees," and I still believe that is true.

25                   I'm proud to have -- I'm proud to say that

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1 the CIWMB has a clear and definite mission that is  
2 dedicated to the health, safety and well-being of all  
3 Californians. This mission is carried out by an  
4 outstanding and dedicated staff of the highest caliber.

5 I am pleased to have served as Chairman and  
6 a Board Member of a board that represents such outstanding  
7 talent and diversity of interest, and I hope that the  
8 Board and staff concur in the belief that I devoted my  
9 energies as Chairman towards forging a collaboration and  
10 partnership between representatives of the legislature and  
11 the executive branches and the constituencies of local  
12 government, industry and the environment.

13 During my tenure, I wanted to deal with the  
14 issues coming before the Board in the same cooperative  
15 spirit that had reaped such success in the past. Positive  
16 achievements such as composting regulations, tiered  
17 permitting and eliminating permit overlap would not have  
18 occurred without a concentrated effort among the Board,  
19 local government, the private sector, environmental  
20 concerns, and the general public along with the Herculean  
21 effort of the staff. It would not have occurred without  
22 the cooperation, respect and decorum among the Board  
23 Members themselves.

24 If I have accomplished these goals in your  
25 eyes, then I will consider my time here a success. And

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1 the sweetening on the cake is that I have had the  
2 opportunity to work closely with such fine people.

3 Speaking of working with such fine people,  
4 I cannot leave without heralding my personal staff --  
5 Marlene Kelly, Patti Shawhan, Susan Westlake and Lew  
6 Hastings. No Board Member has ever had a more  
7 accomplished, hard-working and loyal staff than I have had  
8 over the nearly five years I have been on the Board.

9 To each and every person associated with  
10 this Board, including those who have appeared before us,  
11 I offer a sincere thank you from the bottom of my heart.

12 And finally, I want to thank former  
13 Governor Pete Wilson for the trust he placed in me, for  
14 the wonderful opportunity he gave me to be a part of his  
15 administration and to have served the people of  
16 California.

17 I thank you all. I'll miss you all. Thank  
18 you.

19 (Applause)

20 BOARD MEMBER PENNINGTON: I might add that  
21 the Governor would do well if he would reappoint my  
22 colleague, Steve Jones, here. And do it quick, buddy.

23 (Applause)

24 CHAIRMAN EATON: I thought that was the  
25 call.

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1 (Laughter)

2 CHAIRMAN EATON: For both of you.

3 (Laughter)

4 CHAIRMAN EATON: Senator Roberti.

5 BOARD MEMBER ROBERTI: When I was first  
6 appointed to the Board, I was -- at that point I was on  
7 the Unemployment Insurance Appeals Board and almost  
8 universally -- well, people say one of those people that  
9 gets those political sinecures. Maybe that's true, but  
10 there's real work, too. So everybody at the other Board  
11 said, "Oh, you're really going to like Dan Pennington. He  
12 is the nicest guy," and then friends of mine, very good,  
13 close, mutual friends of ours, Nancy Berg, said, "Oh,  
14 you're really going to like Dan Pennington. He the nicest  
15 guy," and when I met you, I really got to like Dan  
16 Pennington because he is the nicest guy. He really is.

17 You don't know that you said one thing that  
18 just thrilled me our first meeting. You were sort of  
19 giving me an orientation on the Board and as we're  
20 leaving, you said, "Oh, I'm really sorry, Senator. We  
21 didn't get your car gassed." Car gassed? Nobody told me  
22 I got a car on this job.

23 (Laughter)

24 BOARD MEMBER ROBERTI: So don't apologize.  
25 I'm pretty happy. I wanted to look sort of nonchalant and

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1 let everybody know of course we get a car.

2 (Laughter)

3 BOARD MEMBER ROBERTI: Former presidents  
4 pro tem always get a car. I didn't have a clue that we  
5 had a car. The other board I was on we didn't have a car,  
6 so that was very, very nice. I only wish I hadn't  
7 promised the week before my wife was going to get a new  
8 car. Otherwise she could have gotten the other car that  
9 we have, but whatever.

10 I've enjoyed working with you. You're  
11 absolutely knowledgeable, you're pleasant, and if you  
12 don't mind my getting just a touch partisan, you're a  
13 throw-back to those Republicans of the old days who knew  
14 that being problem solvers and understanding the other  
15 point of view is how you get elected, and if we had more  
16 of you around, the Democrats wouldn't stand a chance in  
17 California. Unfortunately, a lot of your colleagues don't  
18 think the same way.

19 (Laughter)

20 BOARD MEMBER PENNINGTON: That's true, too.

21 BOARD MEMBER ROBERTI: So we're going to  
22 miss you on the Board, and I know we won't miss you  
23 because of friendship because that will last.

24 CHAIRMAN EATON: Ms. Moulton-Patterson.

25 BOARD MEMBER MOULTON-PATTERSON: Dan, I

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1 want to thank you so much. You have been so kind to me  
2 and helpful and so patient, and I really appreciate your  
3 kind words and kind advice. Like the Senator, I'm used to  
4 working with Orange County Republicans, so it's been  
5 really nice to be able to work with you and Steve.

6 (Laughter)

7 BOARD MEMBER PENNINGTON: I offer my  
8 condolences.

9 BOARD MEMBER MOULTON-PATTERSON: I really  
10 have enjoyed getting to know you and I hope I see a lot of  
11 you.

12 CHAIRMAN EATON: Mr. Jones.

13 BOARD MEMBER JONES: Thanks, Mr. Chairman.  
14 Just so people know, we're not taking anything for  
15 granted. The Chairman didn't want to do this for me, too,  
16 because he was afraid somebody might say something that I  
17 would hold against them if I did get reappointed.

18 I'm going to miss you. You and I have had  
19 an awful lot of discussions over the years, and I've told  
20 people in the public that when I went in for that  
21 interview at the Governor's office, and I might say I let  
22 him know that I was the only Republican that could get  
23 confirmed by a Democratic senate, that you've been in my  
24 corner the whole time and you have helped me in an awful  
25 lot of ways and have allowed me to really get into this

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1 thing.

2 I've always appreciated your leadership.

3 I've always appreciated the fact that you are a consensus  
4 builder, and it's going to be different around here  
5 without you to say the least, but I know that your life is  
6 going to be nothing but fun.

7 BOARD MEMBER PENNINGTON: Golf, golf, golf.

8 BOARD MEMBER JONES: There you go.

9 (Laughter)

10 BOARD MEMBER PENNINGTON: Thank you all for  
11 your kind words, and I will miss not being able to have  
12 the frivolity that we've had up here. I've been working  
13 with you and together to solve the problems that face the  
14 State, but thank you very much.

15 CHAIRMAN EATON: All right. Back to the  
16 mundane task. Item Number 22.

17 MR. FITZGERALD: Mr. Chair, Board Members,  
18 Byron Fitzgerald, Special Waste Division. That was a  
19 tough one to follow, but I do promise that I won't make a  
20 PowerPoint presentation.

21 Item 22 is consideration of fiscal year  
22 '99-2000 household hazardous waste grant award. This is  
23 the eighth cycle and Carol Mortensen will give the  
24 presentation.

25 MS. MORTENSEN: Thanks, Fitz.

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1                   Good afternoon, Chairman Eaton and Board  
2 Members, and I'd like to take a second to thank  
3 Mr. Pennington from the Used Oil Recycling and HHW  
4 programs. You've been a great advocate for us all along.  
5 We really appreciate it and it's going to get kind of  
6 lonely at Mason (inaudible) Sears Point without you there.

7                   BOARD MEMBER PENNINGTON: I might be there.

8                   MS. MORTENSEN: Okay. We'll look for you.

9                   I'm here to present Item 22, award of the  
10 1999-2000 household hazardous waste grants for your  
11 consideration. In accordance with the Board's grant award  
12 process, staff makes recommendations for funding based  
13 upon the scoring criteria established by the Board.

14                   At its August 24th-25th, 1999 meeting, the  
15 Board adopted the scoring criteria, which is attachment 1  
16 in the Board meeting packet, as well as the process for  
17 evaluating applications for the 1999-2000 HHW grants, the  
18 eighth cycle of these grants. Staff has applied these  
19 criteria in scoring 39 applications that were received,  
20 and this item presents staff recommendations to award  
21 those grants.

22                   The notice of funding availability was  
23 mailed back in August to over 1,100 interested parties.  
24 When the application period ended on November 1st, 1999,  
25 staff received 39 applications totaling over \$5.8 million

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1 in requested funding. An orientation was held -- was  
2 conducted with all the review panel members to ensure  
3 consistency in scoring the applications and provide a  
4 structure for applying the criteria, including explaining  
5 the preferences set forth in statute for the HHW grants,  
6 including new programs for rural areas, underserved areas  
7 and small cities, expansion of existing programs to  
8 provide for collection of additional waste types,  
9 innovative or cost-effective collection methods, and  
10 regional HHW programs.

11                   Review team members also read the package  
12 that the applicants received and used to put together  
13 their proposals. This allowed the review team members to  
14 see what type of information was requested from the  
15 applications, including establishing a sound need for  
16 their project, establishing -- or identifying existing  
17 collection opportunities, if any, describing how the  
18 proposal relates to other projects or programs in their  
19 area, and how the jurisdiction planned on supporting the  
20 project after it was completed.

21                   After all scoring was completed, the grants  
22 administration unit examined the scores from the four  
23 blind review applications which represented 10 percent of  
24 the total number of applications received. Three of the  
25 applications were within the five-point limit. One

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1 application exceeded the five-point with the score  
2 differential between the three panels of seven points. In  
3 all cases, the point differentials did not affect the  
4 recommendation to fund or not to fund the projects. So  
5 staff recommends awarding the grants as scored.

6                   Now on to some fiscal issues which are on a  
7 chart on page 3 of the item. You may remember that in the  
8 1999-2000 budget, that provided authority for the Board to  
9 award up to \$6 million in HHW grants, a one-year increase  
10 from the normal \$3 million allocation. Of that amount,  
11 approximately \$1.8 million was awarded by the Board at its  
12 July 27th-28th meeting for the "B" list of the seventh  
13 cycle of the HHW grants. The seventh cycle "B" list  
14 consisted of applicants that received a passing score but  
15 fell below the funding availability for the 1998-99 cycle.  
16 This left approximately \$4.1 million from the 1999  
17 allocation for award of the eighth cycle of the HHW grant.

18                   The \$4.1 million was noticed in the notice  
19 of funding availability, as well as in the application  
20 package that was sent to interested parties. However,  
21 during the Board's budget development process, \$1.5 was  
22 set aside from the household hazardous waste allocation  
23 to maintain a prudent reserve from the Integrated Waste  
24 Management account. Therefore, approximately \$2.6 million  
25 in HHW funds from the 1999-2000 Act remain available for

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1 award.

2                   In order to provide at least some funding  
3 to all the applicants that received a passing score, staff  
4 identified some projects for major budget reductions. In  
5 doing so, staff took into account funding priorities  
6 identified by the applicants and confirmed with them that  
7 they would still be able to implement some component or  
8 portion of the project described in the application with  
9 the reduced funding. All applicants, both those  
10 recommended for funding and not recommended for funding,  
11 were notified of the results review prior to the Board  
12 meeting, and as with all grant cycles in the HHW program,  
13 staff makes themselves available to applicants, successful  
14 or not, to review their applications, make suggestions and  
15 help them develop plans to implement their programs and to  
16 improve their applications for future funding  
17 opportunities.

18                   Based on the outcome of the Board's  
19 decision on this item, staff would like to explore other  
20 funding options to restore those applicants with  
21 significant budget cuts due to the \$1.5 million reduction.  
22 Although major budget reductions, those folks can still  
23 implement their projects to some level. Many were forced  
24 to downsize the sphere of influence or the size of their  
25 projects. If we wish to assist them in providing adequate

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1 collection opportunities for materials that are too  
2 hazardous to be disposed of in landfills, we need to  
3 explore all options available to us.

4                   One example of a possible funding option to  
5 restore the budget reductions might be if additional funds  
6 become available in this current fiscal year, or following  
7 the passage of the 2000-2001 Budget Act, staff could  
8 return to the Board and recommended the awarding of  
9 approximately \$1.1 million in funding cuts which are  
10 represented in column D of attachment 2 of the item to  
11 restore the applicants' proposals to levels originally  
12 recommended by the review panels. If other options are  
13 discovered, staff can bring these to the Board for  
14 consideration as well.

15                   So at this time staff asks for approval of  
16 adoption of the eighth cycle household hazardous waste  
17 grants and Resolution 2000-44. I'd be happy to answer any  
18 questions.

19                   CHAIRMAN EATON: Any questions of staff?  
20 Okay.

21                   I have three speaker slips here on this  
22 agenda item. Beverly McCullough, I believe.

23                   MS. MC CULLOUGH: Good afternoon. I'm  
24 Beverly McCullough with the City of Modesto, and with me  
25 today I brought a letter signed by Glen K. Lewis, our

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1 Engineering and Transportation Director for the City. I  
2 believe you all have a copy of that. I would like to read  
3 that to you.

4 "Dear Chairman Eaton and Board Members, the  
5 City of Modesto recently submitted a grant application for  
6 the HHW eighth cycle grant. The application focused on  
7 developing a sharps collection program in partnership with  
8 ten pharmacies throughout the community, allowing  
9 residents to participate in a swap program for containers.

10 "Modesto has 18,500 diabetics that generate  
11 over 5 million sharps per year, therefore creating a great  
12 safety concern for the industry workers who manually sort  
13 through the City's garbage on a conveyor belt system. Our  
14 application was rejected and considered ineligible  
15 because, quote, 'the sharps program is not incorporated  
16 into an HHW collection effort. This program is not  
17 eligible for funding,' unquote.

18 "However, as stated on page 2 of the grant  
19 summary and guidelines, the following was listed:  
20 Ineligible costs, management of medical waste except  
21 sharps programs which are eligible if they are integrated  
22 into proposed HHW collection programs. After conferring  
23 with the Waste Board staff prior to submitting the  
24 application, city staff understood this statement meant  
25 that all sharps programs are eligible. However, we

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1 understand that review teams were directed to look for  
2 applications that typed proposed sharp programs into  
3 proposed or existing HHW programs.

4 "We believe this contradicts the grant  
5 summary and guidelines. We are therefore requesting the  
6 opportunity to be reconsidered for funding. If the Waste  
7 Board intended for all proposed programs to be  
8 incorporated into existing or proposed programs, the  
9 guidelines were not clearly stated in their intent.

10 "Over the years, the City of Modesto has  
11 worked closely with the Waste Board staff to assure that  
12 grant proposals meet all the necessary requirements and  
13 meet the needs of the community. We greatly appreciate  
14 the funding opportunities made available from the Waste  
15 Board and we trust that you will give consideration to  
16 this matter."

17 I've had a chance to review the notations  
18 made by the review team, and in three out of five of the  
19 scoring criteria under needs, evaluation and budget, each  
20 time it was specifically stated that our program or the  
21 application that we submitted was ineligible because it  
22 was not tied into an already existing HHW program. Our  
23 concern is that were we looked at properly.

24 By understanding, by going over this with  
25 Waste Board staff prior to writing this grant and coming

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1 back and reading this, I was very confused by the results  
2 of this. I looked at this and thought how did this one  
3 happen? If we lost it because we missed the mark on other  
4 areas, that's one thing, but if we missed it because we  
5 were instructed prior to putting this together improperly,  
6 then I come to you and I ask to you review it again.

7 Do you have any questions?

8 CHAIRMAN EATON: Any --

9 MS. MORTENSEN: Sharps have always been --  
10 I was going to say sticky wicket, but that's a bad pun.  
11 We first looked at including sharps in the realm of HHW, I  
12 believe, back in -- I think it was '96. It was a little  
13 bit before my involvement with HHW, so I'm going from  
14 memory. We looked at including them as a landfill worker  
15 safety issue. They don't really fall under the realm of  
16 household hazardous waste. They don't -- they're more of  
17 a medical waste, but since they do cause such a potential  
18 health problem for landfill workers, it was decided to  
19 include sharps in as eligible funding projects for an HHW  
20 grant if they were incorporated into a local HHW program  
21 that had the support of the local health department, as  
22 well as working with the Department of Toxic Substances  
23 Control, and that's how we decided to include them.

24 In the application we did say that we would  
25 accept sharps programs as eligible if they were integrated

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1 into a proposed or existing HHW collection program, and I  
2 would guess from -- maybe from the application maybe that  
3 was not clear that it was an integrated part of the  
4 regional or Modesto's HHW program, would be my take.

5 MS. MC CULLOUGH: The City of -- Stanislaus  
6 County and City of Modesto do have a permitted program.  
7 They do accept sharps as part of their program. However,  
8 it's not a structured program. They do have residents  
9 bringing in things in milk cartons, coffee cans, Baggies,  
10 you name it. The residents themselves have to get out of  
11 their vehicle and put it inside the larger container.  
12 Staff will not handle those materials.

13 Because of my understanding prior to  
14 writing this grant, because of the unstructured way that  
15 they are set up, I did not tie them together whatsoever.  
16 I wanted to set up a structured program, buy certain  
17 styled containers and have them work with the pharmacies  
18 in our city.

19 I just want to make sure we're getting our  
20 fair shake here.

21 CHAIRMAN EATON: Right.

22 BOARD MEMBER JONES: Mr. Chairman.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: I think that it's good  
25 that you're coming forward on this because sharps are a

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1 lot more than diabetic needles, and if your material is  
2 going over to a Material Recovery Facility where you have  
3 employees sorting garbage to pull out recoverables, it is  
4 always something that is very nerve racking.

5                   Without going into a whole lot of detail,  
6 you don't ever want to be in a position of having to tell  
7 somebody that they have to be tested for hepatitis for the  
8 next six years or AIDS for the next six years because they  
9 put a needle in the garbage can. So this is as viable as  
10 keeping paint out of the wastestream. It's as viable as  
11 keeping acid out of the wastestream.

12                   If we don't have an obligation to the  
13 citizens and to the people that handle this material, I  
14 don't know who we have an obligation to. I think it makes  
15 a whole heck of a lot of sense to me. I don't know where  
16 it would have fallen. I don't know what we have to do to  
17 look at it, but it's got my support.

18                   CHAIRMAN EATON: Any other questions?

19                   I would just ask you, what -- in paragraph  
20 two it says, "After conferring with the Waste Board staff  
21 prior to submitting the application, staff understood that  
22 statement to mean all sharps program." What -- was there  
23 written documents, was it just a phone conversation? I'm  
24 not interested in finding out the particular employee.  
25 I'm just finding out where the breakdown occurred and what

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1 led you and Mr. Lewis to believe that prior to actually  
2 putting pen to paper.

3 MS. MC CULLOUGH: It was a phone  
4 conversation. I did call for clarification on this  
5 particular ineligible class listing. I read it. It  
6 seemed like a double negative. I was a little confused on  
7 it and I called for clarification. After discussing it  
8 with the staff, they said it should be fine, it should not  
9 have to be integrated, it's not an ineligible program, it  
10 says accept sharps programs. That was a concern, is the  
11 sharps acceptable for this program when I read that. It  
12 kind of tripped me so I called for clarification. It was  
13 a phone call, nothing in writing.

14 CHAIRMAN EATON: Give us a few minutes to  
15 think on it.

16 MS. MC CULLOUGH: Sure.

17 CHAIRMAN EATON: We've got a couple of  
18 other public speakers on some other things as well.

19 MS. MC CULLOUGH: Okay.

20 CHAIRMAN EATON: Gerry DeRoco.

21 MR. DE ROCO: Good afternoon. I'm Gerry  
22 DeRoco, Glenn County Solid Waste HHW Manager.

23 We understand our grant request is being  
24 cut 20 percent, but we would be delighted to augment it  
25 with county funds. This grant proposal is to serve three

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1 not only underserved, totally unserved remote areas of  
2 Glenn County, three small communities that total about  
3 3,000 or 4,000 people that do not make it to our landfill  
4 for HHW events. Sometimes they don't even make it for  
5 solid waste facilities, but they mean well and we had  
6 one-day collection events.

7                   In 1996 we had two one-day events. We had  
8 one person from those three communities show up. He  
9 thanked us. He happened to be the chairman of the Glenn  
10 County grand jury, so we were happy to satisfy him.

11                   (Laughter)

12                   MR. DE ROCO: This will enable us to have  
13 these events to help serve the residents for a county that  
14 really need it, and they appreciate the fact that last  
15 Friday we dedicated our new permanent facility. We're  
16 sorry no one from here was present, but we had people from  
17 DTSC and other areas, so we're delighted with that. We're  
18 going to have our first collection event this coming  
19 Saturday, weather permitting. Actually, whether or not it  
20 rains or not, we will conduct it.

21                   We appreciate the HHW grant program. It is  
22 something that small counties such as Glenn County and  
23 most of the small counties could not do on their own. We  
24 just could not generate the funding to do these events.  
25 We appreciate that.

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1                   We're sorry to see Mr. Pennington go. We  
2 wish Mr. Jones luck and wish all the rest of you our  
3 appreciation, express our appreciation.

4                   CHAIRMAN EATON: Thank you. Ms. Allison  
5 Hudson, San Joaquine County Department of Public Works.

6                   MS. HUDSON: Good afternoon. I would echo  
7 Glenn County in that we do appreciate funding that comes  
8 for the household hazardous waste programs. I would like  
9 to speak today, however, on our need not only in San  
10 Joaquine County but California-wide to get your help in  
11 developing sustainable programs for HHW collection.

12                  When I started with this program in 1993,  
13 household hazardous waste funding was at \$6 million. That  
14 HHW monies comes from local tipping fees. Gradually  
15 throughout the years it has been cut and cut and cut.  
16 Finally it looked like it was going to go back up a little  
17 bit, and then with the \$1.5 million set-aside, that cuts  
18 the heart out of our local programs. I understand that  
19 the \$1.5 million was taken specifically from HHW and not  
20 from a series of -- or not from any of the other grant  
21 programs that were -- that are available to be cut, and so  
22 I would suggest to you that perhaps cutting a percentage  
23 of some of the other grant programs would be a little  
24 fairer than just taking the entire amount from household  
25 hazardous waste, particularly since that is local monies.

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1                   To give you an idea of what's going on in  
2 San Joaquine County, we do appreciate. We asked for  
3 \$300,000. We got \$150,000. We are looking at building a  
4 central county facility in an area that is slated for a  
5 40-percent increase in population in the next 20 years.  
6 We have spent five years saving towards our facility and  
7 it included not only a facility, but it did include monies  
8 in this \$300,000 for sustainable features. And I can tell  
9 you that rather than cut the size of the facility, the  
10 probability is at the local level people will want to cut  
11 the sustainable features, and I think that's the most  
12 unfortunate thing here.

13                   We wanted to put together a model program  
14 that would serve as an example of what good government and  
15 government period can do in the green procurement, green  
16 building area, and I suspect that will be significantly  
17 reduced. I would -- when I heard about the funding, my  
18 first thought was why would applications, some of whom  
19 received very high scores and others who received what I  
20 would call mediocre scores, which is what 70 percent is,  
21 why would they be funded almost equally, everybody take  
22 cuts across the Board rather than develop an "A" list and  
23 "B" list and fund those applications which were excellent,  
24 showed clear planning, where the jurisdictions may have  
25 worked for years.

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1                   In our case, we've worked about four years.  
2 We didn't submit last time because we just didn't feel we  
3 were ready. And so it's very disappointing to have such a  
4 substantial cut because the message that really goes out  
5 is you can be mediocre or you can have a fabulous  
6 application, but it really doesn't make any difference.

7                   What happens to -- what's happening at the  
8 local level is that household hazardous waste quantities  
9 are continuing to rise across the state. Our local levels  
10 have risen approximately 20 percent in the last seven  
11 years and they're continuing to do so. So I suggest that  
12 when funding is cut, that facilities are built too small,  
13 they have insufficient capacity. That's one of the  
14 reasons why you're seeing sometimes the third generation  
15 of household hazardous waste facilities being built in  
16 jurisdictions because they didn't do the planning ahead of  
17 time rather than building a facility that's going to be  
18 functional for 15 or 20 years. I would think it's a more  
19 sustainable plan if you build for the long-term and long  
20 range and increased capacity so that you don't have to  
21 keep redoing it and redoing it and redoing it and, of  
22 course, closing the facilities down when they don't work.

23                  Finally, I want to remind you of the new  
24 wastestreams that we're being asked to manage and the  
25 language is always from DTSC and other places oh, well,

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1 the locals will fund it, and those are fluorescent tubes,  
2 which are going to be for us. We haven't even begun how  
3 we're going to handle that problem, that collection. CRTs  
4 or TV tubes are going to be a radical change in the  
5 televisions in the year 2006, and we're going to be seeing  
6 those pieces of equipment show up at our collection  
7 events, and computers of course and electronics. Those  
8 are the wastestreams that we're looking at dealing with  
9 and, of course, our funding continues to be cut and cut  
10 and cut.

11                   So I would remind you that if you want  
12 local governments to support sustainable HHW, sustainable  
13 facilities, that you need to show us that you want to  
14 support our sustainable activities by giving us the  
15 funding so we can get at least part of the way there.

16                   CHAIRMAN EATON: It's probably appropriate  
17 that we hear from Mr. Chandler or Ms. Fish with regard,  
18 but just to set the record straight.

19                   MS. HUDSON: Yes, sir.

20                   CHAIRMAN EATON: I was at the budget  
21 hearings. I got the additional \$6 million along with  
22 Mr. Pennington. We went there. So it really wasn't an  
23 action on the part of this Board or any member of this  
24 Board casting a vote. It was really the Department of  
25 Finance, is my understanding, and they would be happy to

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1 get the explanation.

2 Just to kind of get the record straight  
3 because there would have been no money available if we  
4 hadn't gone and fought for the extra. I think it was \$6  
5 million that we asked for. Just to get the record  
6 straight out there in the local government world. I think  
7 it's very important. We could also use some legislative  
8 help this time because we go there, we make our arguments,  
9 and when the budget gets cut that's where we are. Perhaps  
10 you can explain what took place with regard to Department  
11 of Finance's ruling on our funds.

12 MS. FISH: Department of Finance was not  
13 supportive of this increase. However, the reason that  
14 language was put in to take us up to \$6 million was if  
15 there were revenues available in our fund that could be  
16 used to support an increase, the Board wanted to go there,  
17 and so the language was written to give them that  
18 flexibility.

19 When revenues were down, household  
20 hazardous waste was at \$1.5 million. When revenues began  
21 going back up, and that was in '96, '97, in 97-98 the  
22 Board took them to \$3 million. We took them to \$6 million  
23 but had to drop them back to \$4.5 million because of a  
24 revenue decrease, and so basically I think we've built the  
25 flexibility in there. The reason you saw the reduction

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1 was not specifically to target this program, it was  
2 because the flexibility was if we could give the locals  
3 more, the Board wanted to do that, but it was based on the  
4 fact that revenues would support that increase.

5 CHAIRMAN EATON: Does that help clarify it?  
6 Not as an excuse, it's mumbo jumbo, but when  
7 Mr. Pennington was there, it went from \$1.5 million to \$3  
8 million, and he and I went down together. The following  
9 year we got it up to \$6 million and they dropped us back  
10 to \$4.5 million. So I think there's been a steady  
11 increase.

12 MS. FISH: Right. We actually submitted a  
13 budget that included the \$6 million in there. It did not  
14 have a reserve. Finance rejected that budget and that  
15 must be what you're referring to, Mr. Chairman. They  
16 would not allow us to submit it that way. We did try. So  
17 to back off of that in order to get budget approved, we  
18 said we know the revenues were not what we had originally  
19 anticipated they would be. We'll back this off \$1.5  
20 million to put in the reserve you are requiring of us,  
21 take the program down to \$4.5 million, still recognizing  
22 we were going to leave it \$1.5 million higher than it was  
23 the year before.

24 MS. HUDSON: Thank you.

25 BOARD MEMBER JONES: Mr. Chairman, I have a

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1 question.

2 CHAIRMAN EATON: Mr. Jones.

3 BOARD MEMBER JONES: When you're doing your  
4 grant scoring, what portion of that deals with ongoing  
5 educational processes? I mean shouldn't a jurisdiction,  
6 instead of just building a brick building, have an  
7 educational component to make sure that people aren't  
8 continually -- that that's a wastestream that's being  
9 managed? I've never been a firm believer in build it and  
10 they will come, but I'm wondering how many points we give  
11 on education. Based on the testimony maybe we need to  
12 reevaluate our criteria, to look at programs that are  
13 supported by strong educational success to determine where  
14 we spend our money.

15 MS. MORTENSEN: We do look at the entire  
16 package when they submit a proposal to us, and you're  
17 right, Mr. Jones. That's a critical component of the  
18 entire program, but so many jurisdictions throughout the  
19 state are lacking even that brick building or even a  
20 temporary collection, that we're trying to get as many  
21 folks with some collection opportunities established. And  
22 even with the increase of an extra \$1.5 million this year,  
23 it still falls short of what the needs are.

24 What we do encourage people to do is with  
25 the used oil recycling program and through their block

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1 grant funds is encourage them to use those funds for  
2 educational purposes including household hazardous waste,  
3 especially the automotive-related fluids. So we're trying  
4 to get them to look at all the funding opportunities  
5 available to them and what their needs are and see where  
6 they can put what money where to get the biggest bang for  
7 the buck. So we do look at the entire package but we do  
8 need to get some infrastructure established.

9 But you're right, there are some  
10 jurisdictions that do have collection in place and they're  
11 ready to do -- and get ready to do some education, and the  
12 way the statute is guiding us is for the kind of rural and  
13 underserved infrastructure way to go. It could be we've  
14 been looking at that criteria ourselves to see where we  
15 can make it fit maybe a little bit better for those folks  
16 that do have some infrastructure in place.

17 CHAIRMAN EATON: With regard to  
18 Ms. McCullough's issue on sharps with the needles; right?  
19 Needles program so to speak.

20 MS. MORTENSEN: Yes.

21 CHAIRMAN EATON: Are any of the ones that  
22 are currently proposed sharps programs?

23 MS. MORTENSEN: No.

24 CHAIRMAN EATON: No. But we have in the  
25 past funded some.

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1 MS. MORTENSEN: Yes, we have.

2 CHAIRMAN EATON: Under strict guidelines  
3 that were different from these or the same guidelines?

4 MS. MORTENSEN: Pretty much the same  
5 guidelines. The ones we have funded were integrated with  
6 an existing HHW collection program, and they were written  
7 into parts of their proposals to us that they were  
8 integrated as part of the program and that they would have  
9 had the (inaudible) from their local health departments  
10 and they've been working with Toxics to let them know what  
11 we're doing because sharps don't really fall under -- it's  
12 the bureaucratic answer -- they don't really fall under  
13 our purview, but we're trying to stretch the funds as far  
14 as we can to make them -- because you're right, especially  
15 from Beverly in Modesto. Every single one of their bags  
16 of garbage gets opened by somebody. So we're trying to  
17 make it fit the best we can, and right now the best fit is  
18 to make sure it's integrated with an existing HHW  
19 collection program.

20 CHAIRMAN EATON: Any other? Okay. Perhaps  
21 we can then perhaps reconcile that if we have another  
22 round of funding if we are successful at the budget or if  
23 there's other monies left over for clarification either  
24 with this program or others or somehow in the  
25 applications --

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1 MS. MORTENSEN: You bet. Get us the money  
2 and we'll make it happen.

3 CHAIRMAN EATON: I know you'll spend it.  
4 Trust me.

5 MS. MORTENSEN: That's what we're here for.

6 BOARD MEMBER PENNINGTON: Mr. Chairman.

7 CHAIRMAN EATON: Mr. Pennington.

8 BOARD MEMBER PENNINGTON: I'll move  
9 adoption of Resolution 2000-44 to approve the awards of  
10 the 1999-2000 household hazardous waste grants as  
11 recommended in attachment 3.

12 CHAIRMAN EATON: And I'll second the  
13 motion. So Mr. Pennington moves and Mr. Eaton seconds  
14 that we adopt Resolution 2000-44.

15 Madam Secretary, please call the roll.

16 BOARD SECRETARY: Board Members Jones.

17 BOARD MEMBER JONES: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 BOARD MEMBER MOULTON-PATTERSON: Aye.

20 BOARD SECRETARY: Pennington.

21 BOARD MEMBER PENNINGTON: Aye.

22 BOARD SECRETARY: Roberti.

23 BOARD MEMBER ROBERTI: Aye.

24 BOARD SECRETARY: Chairman Eaton.

25 CHAIRMAN EATON: Aye.

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1 All right. Next item is Item Number 23.

2 We get to the last two items of Special Waste and we just  
3 can't get out of it. I try.

4 MS. JORDAN: Good afternoon, Chairman Eaton  
5 and Board Members. For the record I am Terry Jordan with  
6 the Administration and Finance Division, and today we'll

7 be presenting Item Number 23, consideration of extensions  
8 for grant agreements for the used oil opportunity grants,  
9 fourth cycle. Staff Sara Avila will present the item.

10 MS. AVILA: Good afternoon. My name is  
11 Sara Avila and I'll be presenting Agenda Item 23.

12 At its December 15th, 1998 Board meeting,  
13 the Board Members adopted a new process for grantees  
14 requesting a time extension to the grant terms that  
15 extended past the third year of their fiscal allocation.  
16 This new process requires Board approval of these  
17 extensions.

18 In March of 1998, the Board approved 30  
19 grants for the used oil opportunity fourth cycle for a  
20 total of \$7,890,000. The grant term was from April 1st,  
21 '98 to March 31st, 2000. All costs must be incurred  
22 during this time. Currently there are 29 out of 30 grant  
23 projects still open. Program staff informed the grantees  
24 that their grant term was nearing expiration and that if  
25 they need an extension, we would need a letter explaining

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1 why and for how long and that approval for extensions  
2 would be going before the Board.

3 Today there are ten grantees requesting  
4 extensions. They are the Counties of El Dorado, Los  
5 Angeles, Santa Clara, Solano, Ventura, the Cities of  
6 Encinitas, Oakland, Santee, the City and County of San  
7 Francisco, and Environmental Services JPA.

8 Carol Mortensen is here with the used oil  
9 branch to answer any questions, and staff recommends that  
10 the Board approve Resolution Number 2000-45.

11 CHAIRMAN EATON: Any questions of staff?

12 BOARD MEMBER JONES: Mr. Chairman.

13 CHAIRMAN EATON: Mr. Jones.

14 BOARD MEMBER JONES: I'll move adoption of  
15 Resolution --

16 CHAIRMAN EATON: I have one question.

17 BOARD MEMBER JONES: Okay.

18 CHAIRMAN EATON: With regard to the  
19 extension, what follow-up do we have with regard to  
20 whether or not they're actually going to be implemented?  
21 I think it's important for some of the Board Members to  
22 understand what this was about. We had -- Ms. Fish,  
23 correct me. How much money in reserve?

24 MS. FISH: There was \$37 million that was  
25 reserved in encumbrances in the oil --

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1                   CHAIRMAN EATON: That was never being spent  
2 in these programs, and the Board changed it and this money  
3 was just going. So every time we went through a budget  
4 cycle, we went before the legislature and they said why  
5 have you got all this money? You're not getting it out on  
6 the street. And so I think through some internal  
7 mechanisms, as I understand it, we change the way we put  
8 the money out on the street. We actually put the money on  
9 the street, but we still have some very, very problematic  
10 jurisdictions which continue to encumber the funds but not  
11 have the wherewithal, for whatever reason, to do that.  
12 They're not ineligible or whatever, so these extensions --  
13 is this the first time we've had extensions before us?

14                   MS. FISH: Yes. This is the first one.

15                   CHAIRMAN EATON: So that's kind of the  
16 background, but there was \$37 million that wasn't getting  
17 on the street for used oil. I think we were able to get  
18 most of it out and I don't know what's left but --

19                   STAFF MEMBER: I don't know off the top of  
20 my head, but I know it's a lot less than \$37 million.

21                   CHAIRMAN EATON: So that was the basic  
22 policy lines there and I think it was meant the extensions  
23 used to be granted as routine and some of them went as  
24 long as --

25                   MS. FISH: They were going into the fourth

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1 year, which is what the concern was.

2 CHAIRMAN EATON: That's what these  
3 extensions are, for what it's worth. I'm sorry,  
4 Mr. Jones.

5 BOARD MEMBER JONES: Not a problem. I  
6 think that was good.

7 CHAIRMAN EATON: If Mr. Pennington and you  
8 for some reason aren't here, we lose the history  
9 perspective for the three students here.

10 (Laughter)

11 BOARD MEMBER JONES: Okay. Mr. Chairman,  
12 I'm going to move adoption of Resolution 2000-45,  
13 consideration of extensions of grant agreements for the  
14 used oil opportunity grants fourth cycle.

15 BOARD MEMBER PENNINGTON: I'll second it.

16 CHAIRMAN EATON: Mr. Jones moves and  
17 Mr. Pennington seconds that we adopt Resolution 2000-45.

18 Madam Secretary, please call the roll.

19 BOARD SECRETARY: Board Members Jones.

20 BOARD MEMBER JONES: Aye.

21 BOARD SECRETARY: Moulton-Patterson.

22 BOARD MEMBER MOULTON-PATTERSON: Aye.

23 BOARD SECRETARY: Pennington.

24 BOARD MEMBER PENNINGTON: Aye.

25 BOARD SECRETARY: Roberti.

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1 BOARD MEMBER ROBERTI: Aye.

2 BOARD SECRETARY: Chairman Eaton.

3 CHAIRMAN EATON: Aye.

4 I apologize, Mr. Darcy.

5 MR. DARCY: No need. Sorry. Thank you.

6 CHAIRMAN EATON: I apologize. Got lost in  
7 my history lesson. Item Number 24 has been pulled as  
8 previously disclosed. That completes the Special Waste  
9 section.

10 Now into permits. Ms. Nauman.

11 MS. NAUMAN: Good afternoon, Mr. Chairman  
12 and Members. Julie Nauman, Deputy Director of the  
13 Permitting and Enforcement Division.

14 Our first item in the permits section of  
15 your agenda this afternoon is Item 25 which is  
16 consideration of approval of new sites for the farm and  
17 ranch solid waste cleanup and abatement program known as  
18 the SB 1330 program, and Georgianne Turner will be making  
19 the presentation.

20 MS. TURNER: Good afternoon. Staff has  
21 received and reviewed and recommends approval for a grant  
22 for Del Norte County for the third quarter of this fiscal  
23 year. The grant applicant is requesting \$50,000 to clean  
24 up five sites within the county, and with the approval of  
25 these funds we will be cleaning up approximately 2,000

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1 cubic yards. The county is estimating recycling of 15  
2 percent. Also the funds will be used for revegetation and  
3 erosion control on some of the slopes.

4 The county entity that will actually be  
5 receiving the funds is the County Community Development  
6 Department and the Public Works Department will be  
7 responsible for the actual cleanup work, and then the  
8 Board will reimburse the County for the work done.

9 The grant application meets the eligibility  
10 requirements by the statute and, therefore, staff  
11 recommends the Board adopt Resolution 2000-110 authorizing  
12 the award of up to \$50,000 for the farm and ranch solid  
13 waste cleanup and abatement grant to Del Norte County.

14 BOARD MEMBER JONES: Mr. Chairman.

15 CHAIRMAN EATON: Yes, Mr. Jones.

16 BOARD MEMBER JONES: I would like to move  
17 adoption of Resolution 2000-110, consideration of approval  
18 of new sites for the farm and ranch solid waste cleanup  
19 and abatement grant program.

20 BOARD MEMBER MOULTON-PATTERSON: Second.

21 BOARD MEMBER PENNINGTON: Second.

22 CHAIRMAN EATON: Mr. Jones moves and  
23 Ms. Moulton-Patterson seconds that we adopt Resolution  
24 2000-110.

25 Madam Secretary, will you please call the

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1 roll.

2 BOARD SECRETARY: Board Members Jones.

3 BOARD MEMBER JONES: Aye.

4 BOARD SECRETARY: Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: Aye.

6 BOARD SECRETARY: Pennington.

7 BOARD MEMBER PENNINGTON: Aye.

8 BOARD SECRETARY: Roberti.

9 BOARD MEMBER ROBERTI: Aye.

10 BOARD SECRETARY: Chairman Eaton.

11 CHAIRMAN EATON: Aye. All right.

12 Item Number 26.

13 MS. NAUMAN: Item 26 is consideration of

14 approval of award of environmental laboratory and sampling

15 services contract. This was your 1999-2000 IWMA Contract

16 Concept Number 14. Michael Wochnick will be presenting

17 this item.

18 MR. WOCHNICK: Mr. Chairman and Members of

19 the Board, as you will recall, last month the Board

20 approved the award for this laboratory services item.

21 Staff went out to bid. The bids were opened last

22 Thursday. Staff has checked the references of the low

23 bidder and has determined that XL-Cam Environmental Labs

24 located in Roseville is the responsive low bidder for this

25 contract, and staff recommends that Resolution 2000-112,

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1 as revised, which I believe you should have gotten the  
2 revision yesterday afternoon or this morning, be approved.

3 I'll be happy to answer any questions that  
4 you may have.

5 CHAIRMAN EATON: Any questions?

6 BOARD MEMBER PENNINGTON: Mr. Chairman.

7 CHAIRMAN EATON: Mr. Pennington.

8 BOARD MEMBER PENNINGTON: I'll move  
9 adoption of Resolution 2000-112 with the contracted amount  
10 of \$100,000 to XL-Cam Environmental Labs.

11 BOARD MEMBER JONES: I'll second.

12 CHAIRMAN EATON: All right. And that was  
13 the 2000-112 as revised, as I understand it.

14 BOARD MEMBER PENNINGTON: Correct, yes.

15 CHAIRMAN EATON: Okay.

16 Madam Secretary, it's in dollars so we have  
17 to call the roll call please.

18 BOARD SECRETARY: Board Members Jones.

19 BOARD MEMBER JONES: Aye.

20 BOARD SECRETARY: Moulton-Patterson.

21 BOARD MEMBER MOULTON-PATTERSON: Aye.

22 BOARD SECRETARY: Pennington.

23 BOARD MEMBER PENNINGTON: Aye.

24 BOARD SECRETARY: Roberti.

25 BOARD MEMBER ROBERTI: Aye.

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1 BOARD SECRETARY: Chairman Eaton.

2 CHAIRMAN EATON: Aye.

3 All right. Item Number 27.

4 MS. NAUMAN: Item Number 27 is for approval  
5 to noticed revisions to the proposed regulations. This is  
6 the regulations for the solid waste disposal and  
7 codisposal site cleanup program, and we're asking for an  
8 additional 15-day comment period. Marge Rouch will make  
9 the presentation.

10 CHAIRMAN EATON: Is there any objection on  
11 this matter from the Board?

12 MS. NAUMAN: I believe there is some public  
13 testimony.

14 CHAIRMAN EATON: Any slips?

15 MS. NAUMAN: No, apparently not. I see  
16 shaking heads in the back.

17 CHAIRMAN EATON: Not to cut you off or  
18 anything like that, if there isn't, no sense of -- and I  
19 don't think it's a resolution. It's just Board direction.

20 Without objection, so shall be ordered that  
21 they will go out. See?

22 MS. ROUCH: Thank you.

23 BOARD MEMBER PENNINGTON: Very nice  
24 presentation.

25 (Laughter)

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1                   CHAIRMAN EATON: Very nice. That's the  
2 best time, Marge, compared to the past.

3                   MS. ROUCH: It's getting better every time.

4                   CHAIRMAN EATON: Item Number 28 was also  
5 part of the consent calendar. Item Number 29 was pulled.

6                   Next item, Item Number 30, consideration of  
7 a new solid waste facility permit for the Victor Valley  
8 Regional Composting Facility, and then upon completion of  
9 this item, we may or may not take up parts of Item Number  
10 3; is that correct?

11                  MS. NAUMAN: That's correct, Mr. Chairman.

12                  CHAIRMAN EATON: Okay. Great.

13                  MS. OHIOSUMUA: My name is Dianne  
14 Ohiosumua. I am here this afternoon representing the  
15 Board's Permitting and Inspection Branch. Sitting at the  
16 table next to me is Mark Stevens representing the San  
17 Bernardino County Local Enforcement Agency.

18                  Agenda Item Number 30, regarding the  
19 consideration of a new full solid waste facility permit  
20 for the Victor Valley Regional Composting Facility, is  
21 located in San Bernardino County. The proposed permit is  
22 to allow the operation of a new mixed solid waste  
23 composting facility. California Bio-Mass, Inc. proposes  
24 to operate a 700-ton material per day composting facility  
25 on 50 acres owned by the Victor Valley Waste Water

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1 Reclamation Authority.

2                   The Office of Local Assistance staff have  
3 made a final conformance with the San Bernardino  
4 Countywide Integrated Waste Management Plan which was  
5 approved by the Board in October of 1997 and the amended  
6 non-disposal facility element. The proposed permit is for  
7 a new facility. As such, consistency with state minimum  
8 standards is not applicable.

9                   There are some outstanding issues with the  
10 California Environmental Quality Act and the Report of  
11 Facility Information, and Mark DeBie will speak to that  
12 matter at this time.

13                  MR. DE BIE: Thanks, Dianne. As Dianne  
14 indicated, there are two outstanding areas that staff has  
15 been working on since this permit package was received on  
16 January 20th of this year. One pertains to CEQA  
17 documentation and the other pertains to the Report of  
18 Facility Information, so I would like to quickly go  
19 through those two areas and propose to do it in sort of a  
20 chronology so you can see how things unfolded.

21                  On 10-28-99, Victor Valley Waste Water  
22 Reclamation Authority developed and circulated for public  
23 review a mitigated neg dec for the project. On 11-1-99,  
24 the state clearing house established the beginning of the  
25 state agency review for the document, and that's typical

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1 that the documents are circulated through the state  
2 clearing house to be disseminated to the state agencies so  
3 they have an opportunity to review those documents for  
4 which they are a responsible agency, and since we concur  
5 on the solid waste facility permit, we are a responsible  
6 agency. On 11-16-99, the Board submitted comments to the  
7 state clearing house and they had the responsibility to  
8 disseminate those back to the lead agency.

9               The project description included in the  
10 document that was reviewed by staff and commented on by  
11 staff included an expansion for the waste water treatment  
12 facility as well as the Cal Bio-Mass composting project  
13 that's up for permit today. The basic elements in the  
14 project description of that document for the composting  
15 activity included description of a 20-acre site, and there  
16 was information included in the document that there was a  
17 possibility of it having that facility expand to 50 acres.  
18 There was also a notation in the description, the project  
19 description, saying that prior to beyond disturbing of the  
20 site, before expansion took place there would be  
21 additional permitting and CEQA analysis.

22               The project description included a list of  
23 feedstock materials. It indicated that there would be an  
24 average of 25 truck trips. It indicated that there was a  
25 maximum storage of materials of 135,000 tons. It also

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1 indicated that there would be 111,000 tons going through  
2 the composting process at any one time, as well as 34,000  
3 tons of finished product, and if you add that up it comes  
4 up to be more than 135,000, but that's what the project  
5 description indicated.

6                   It described a C&D processing area of  
7 22,500 square feet. In the narrative of the document, it  
8 described 40 windrows and an undisclosed number of static  
9 aerated piles. If you looked in that document back at the  
10 drawings, you saw a drawing or a figure that seemed to  
11 indicate nine static piles on a 20-acre area, 20  
12 additional static piles on an additional acreage for a  
13 total of 29 static piles and then 12 windrows. If you  
14 physically count the windrows included in the diagram you  
15 came up there. So there was a narrative describing 40  
16 windrows and an undisclosed static aerated piles, and the  
17 figure seemed to indicate something different. The  
18 resident time for the material in the piles was described  
19 as 12 to 16 weeks, and there was no indication of how many  
20 tons per day would be received at the facility.

21                   Staff comments sought mostly clarification  
22 from the lead agency about the project description,  
23 especially regarding the permitted daily tonnage, trying  
24 to clarify how many acres were going to be used. Staff  
25 did indicate in their comment letter that they agreed with

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1 the lead agency that additional CEQA would be necessary  
2 before the facility grew to 50 acres. Staff requested  
3 more information about odor control measures, feedstocks  
4 and types of materials accepted. Staff comments indicated  
5 that the site plan wasn't very legible. The details in  
6 the figures weren't legible in the document that was  
7 circulated. There was questions about what actions taken  
8 when chemical thresholds in the soil were exceeded, and  
9 hours of operation were not delineated in the project  
10 description so staff requested information on that.

11                   Staff later became aware that on 12-5-99,  
12 the mitigated neg dec was revised, and on 12-6-99, the  
13 Victor Valley Reclamation Authority adopted the mitigated  
14 neg dec. It wasn't until January 20th of this year that  
15 we received the proposed permit, and in that proposed  
16 permit there was a reference to a revised mitigated neg  
17 dec. That's when staff first became aware that the  
18 mitigated neg dec had been revised. Staff requested a  
19 copy of that revised document from, I believe, the LEA  
20 and/or the lead agency, and when we got it, we noticed  
21 that the project description had changed from the document  
22 that we reviewed.

23                   Whereas in the acreage it talked about 20  
24 acres with the possibility of going to 50, it now  
25 definitively said that there was 20 acres plus 35 acres.

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1 One new waste type was added. Manure was added to the  
2 list of feedstock. The average truck trips doubled from  
3 25 to 50. The maximum storage of materials, the numbers  
4 got fixed, so actually -- no. The numbers remained the  
5 same but something later fixed those numbers. I  
6 apologize. The C&D processing area grew from 22,500  
7 square feet to 97,500 square feet, so an additional 75,000  
8 square feet were added to the C&D processing area.

9                   The description of the windrows and static  
10 piles changed. The aerated pile description was removed  
11 and the description became 30 static piles and/or 40  
12 windrows. So this description of aerated static piles was  
13 removed and substituted with static piles, and there seems  
14 to be some modification changes in the description of the  
15 number of piles and types of piles. The residence time  
16 changed from 12 to 16 weeks to 16 to 20 weeks, and the  
17 document still did not contain any tons per day.

18                   On February 2nd, staff received a letter  
19 from the consultant to the Waste Water Reclamation  
20 Authority, Mr. Tom Dodson, and in that letter the  
21 consultant responded to staff's comments on the original  
22 mitigated neg dec, the original project description that  
23 we reviewed. In that letter it was explained that it was  
24 111,000 tons that would be undergoing composting at any  
25 one time and 24,000 that would be stored on-site. So the

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1 numbers got corrected at that time.

2                   The letter indicated that indeed the  
3 project was now 20 acres and 35 acres, and this is the  
4 first time that staff had information relative to the tons  
5 that would be received today, and in the letter from the  
6 consultant it's indicated that the project would receive  
7 500 tons per day of material. I'll note now that the  
8 proposed permit as submitted has a limit of 700 tons per  
9 day. It also indicated that the operating hours would be  
10 pretty much 24 hours a day.

11                   Between February 3rd and February 22nd,  
12 staff have been working with the LEA, as well as the  
13 operator, to seek clarity about the mitigated neg dec and  
14 these revisions and the changes. It became staff's  
15 opinion that these changes were substantial. The project  
16 had changed and so we were trying to resolve that issue  
17 with the LEA and the operator.

18                   Where this leads us is the following:  
19 Based on the changes made in the document, as well as  
20 clarifications provided by the consultant for the lead  
21 agency, the discussions with the LEA and the operator,  
22 staff cannot determine that the noticing and circulation  
23 requirement and CEQA have been fully complied with. It's  
24 staff's opinion that the project description changed after  
25 the public review period concluded and that the new

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1 project description was not noticed and circulated to  
2 responsible agencies. The revised mitigated neg dec  
3 describes a larger and, therefore, a new project. Staff  
4 believes that the document should have been circulated to  
5 allow full noticing of the new, expanded project.

6                   The lead agency, as well as the LEA, have  
7 declined to circulate the document and so staff feels that  
8 the option for circulation is left up to the Board prior  
9 to the action of the permit. CEQA guidelines do allow  
10 responsible agencies to assume the lead agency role, as  
11 well as deferring process time frames in lieu of CEQA time  
12 frames, and we can explain that for the Board Members if  
13 you wish.

14                   Staff believe that it would be prudent to  
15 circulate the new project description and analysis to  
16 ensure adequate noticing for the new, expanded project.

17                   That's the CEQA overview and as Dianne  
18 indicated, there was also issues relative to the RFI, the  
19 Report of Facility Information. So with your continued  
20 indulgence, I'll go through those and again in the form of  
21 chronology.

22                   If you look on your agenda item page 30-3,  
23 you note that at the time that the item was put together,  
24 staff's finding relative to the RFI completeness was yet  
25 to be determined. The history of this application follows

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1 as this:

2                   On 12-24, an application was completed and  
3 signed by the applicant. On January 20th, Board staff  
4 received the proposed permit. On the transmittal letter  
5 from the LEA it was indicated, and I quote, "The permit  
6 package appears to be generally correct and complete,"  
7 bracket, "(However it may still need minor additions and  
8 corrections)," end bracket, end quotes.

9                   The proposed permit contained under the  
10 findings section a description of the CEQA documentation  
11 for the project. So if you look at the permit, you'll see  
12 in the finding section a description of the CEQA  
13 documentation that the LEA has noted relative to this  
14 project. Between January 20th when we received the  
15 proposed permit and as of yesterday, staff has been  
16 working with the LEA and the applicant to complete  
17 revisions to the permit package, especially the Report of  
18 Facility Information. Yesterday, we received the final  
19 changes to the RFI, Report of Facility Information.  
20 Staff -- since we've been working with the LEA and  
21 operator all along, we were able to have a quick  
22 turnaround in that review of the final submittal.

23                   What we find is that the permit package  
24 lacks -- the permit package submitted to the Board lacks a  
25 definitive statement from the LEA that the RFI is complete

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1 and correct and the package also lacks a definitive  
2 finding by the LEA that the proposed permit is consistent  
3 with and is supported by the existing CEQA analysis, and  
4 these are required as part of Title 27, Section 21650.

5                   Because of this situation, there are  
6 several options available to the Board. One is that the  
7 Board may choose to find that the permit package was  
8 revised or amended as of 2-22, when the final version of  
9 the RFI was received, and choose to invoke Title 27,  
10 Section 21685, which allows the Board to start anew the  
11 60-day clock. The Board may also choose to find that the  
12 permit package submitted to the Board contains all the  
13 required certifications and findings.

14                   In either event, staff draw you back to the  
15 original discussion of CEQA and indicating that it's our  
16 opinion that the revised mitigated neg dec with the new,  
17 expanded project should be circulated for review and  
18 comment. To facilitate that, staff would suggest that the  
19 Board assume lead agency.

20                   BOARD MEMBER ROBERTI: Mr. Chairman.

21                   CHAIRMAN EATON: Senator Roberti.

22                   BOARD MEMBER ROBERTI: I would first like  
23 to move to get discussion from the Board moving that the  
24 Integrated Waste Management Board assume the lead agency  
25 of the project and direct the staff to prepare a mitigated

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1 negative declaration as developed by the Victor Valley  
2 Waste Water Reclamation locally and through the state  
3 clearing house, and the staff should address all comments  
4 received on the document and bring the CEQA documents and  
5 the proposed permit forward at the earliest possible time;  
6 and I further move that as allowed by CEQA guidelines  
7 Section 15111, the time frames affecting CIWMB actions on  
8 the proposed permit found in Public Resources Section  
9 44009 be deferred until such time as adequate CEQA process  
10 compliance has been achieved.

11                   And if I could briefly speak to the motion  
12 beyond what Mr. DeBie has mentioned, the changes in the  
13 two documents, the original CEQA and the subsequent  
14 actions that Victor Valley is -- rather, that the solid  
15 waste facility permit requester is asking for seem to be  
16 tremendously significant. They are there has been changes  
17 from a request now from 20 acres to 55 acres, from 25  
18 vehicle trips a day to 50 vehicle trips a day, the C&D  
19 processing area of 22,500 square feet to 97,500 square  
20 feet, that there be an addition of manure to compost  
21 feedstock, from 40 windrows the expansion be to aerated  
22 piles of 30 non-aerated piles and 40 windrows as well, and  
23 for a residence time of compost material from 12 and 16  
24 weeks to 16 and 20 weeks.

25                   If changes do not demand a new CEQA on this

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1 measure, they don't on any measure. These are enormous  
2 changes and I certainly, if I were a resident of the area,  
3 would not feel comfortable unless there was a CEQA also  
4 requested.

5 BOARD MEMBER PENNINGTON: Mr. Chairman.

6 BOARD MEMBER ROBERTI: And that we take the  
7 initiative in this area since it appears that the Victor  
8 Valley -- or excuse me, that the LEA is unwilling to do  
9 so.

10 CHAIRMAN EATON: Thank you, Senator.

11 Mr. Pennington.

12 BOARD MEMBER PENNINGTON: I'll second the  
13 Senator's motion.

14 CHAIRMAN EATON: If I could kind of put the  
15 motion on hold, but allow for public comment. We have a  
16 couple of public comments.

17 BOARD MEMBER JONES: That was my question.  
18 It would seem that somebody might want to offer some  
19 testimony.

20 BOARD MEMBER ROBERTI: They should have  
21 offered testimony on the resolution before.

22 BOARD MEMBER JONES: Can I ask a question  
23 before we start, Mr. Chairman, from staff?

24 CHAIRMAN EATON: Sure.

25 BOARD MEMBER JONES: Why didn't the LEA

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1 circulate at your request a new document? What was their  
2 finding?

3 MR. DE BIE: I can reiterate our -- several  
4 discussions, but perhaps it's better if the LEA speaks for  
5 themselves on that issue. Our understanding is that they  
6 were satisfied that the changes made to the document were  
7 not substantial enough to trigger additional circulation.

8 BOARD MEMBER JONES: Because I know that  
9 the Governor's office is asking all of the state agencies  
10 to become more involved in CEQA, not at the end of it but  
11 at the beginning of it, to make sure that we don't do this  
12 stuff. But I have a question because when I was briefed  
13 on this item I was told there may be a couple of problems  
14 but you would get back to me, and then I found out the  
15 thing was blown up last night.

16 Because of that, I didn't take a call from  
17 the operator when he first called to see if I had any  
18 questions because I didn't think there were any questions.  
19 When I called him back yesterday to say what the heck is  
20 going on, but I asked to see some of the documentation of  
21 the clearing house and the neg dec that got circulated,  
22 and what I'm wondering is -- and I have a historical  
23 problem with this when the term "substantial" is used  
24 because I can never find the exact definition in the  
25 dictionary, but this one -- what I'm looking here is the

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1 notice of completion from the State of California Office  
2 of Planning that said the facility would initially occupy  
3 20 and occupy an additional 50. Now, 50 and 20 is 70. 55  
4 is less than 70.

5                   So I think it goes to who's reading the  
6 document, do we understand it because I want to be able to  
7 listen to staff, give me a reasonable description as to  
8 what the issues are, but clearly if an LEA who we've  
9 empowered -- because remember. If you've gotten an RFI or  
10 an RDSI that is not complete, that needs to get sent back  
11 to the LEA immediately. That's the law. So to accept it  
12 and then at the last day say it's not right doesn't -- to  
13 me it doesn't make sense because your obligation is you  
14 either accept it or reject it. So the fact that it was  
15 accepted leaves me to find out -- I want to know what the  
16 issues are.

17                   When I look at the completion that says 70  
18 acres and then I look at the inclusion of material as  
19 being manure, I think manure is a subset of biosolids,  
20 really is, and biosolids are there. So manure is a subset  
21 of biosolids. I'm just wondering. 50 cars to 25 cars,  
22 that's an issue. We've got to look at that.

23                   But I worry sometimes. I want to hear why  
24 they didn't circulate it because there is an obligation  
25 locally, and the letter I got from the people that did

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1 this and from the Authority was that they scaled the item  
2 down at a public meeting that talked about these issues,  
3 which is part of the process. So that's -- I'd like to  
4 hear some testimony.

5 CHAIRMAN EATON: That's what we'll do right  
6 now, even though there's a motion before us. With the  
7 indulgence of the Board Members, we'll hear public  
8 testimony.

9 Mr. DeBie.

10 MR. DE BIE: If I may, some clarification  
11 just about the acreage, and part of the discussion we had  
12 with the LEA is how you read certain aspects of the  
13 document. So it might be helpful if I read a citation out  
14 of the document that speaks to acreage from the original  
15 document, and I'll refer to the 70 acres too because it is  
16 in that original mitigated neg dec. There is a 70-acre --

17 BOARD MEMBER JONES: That got circulated  
18 there.

19 MR. DE BIE: This is from the original  
20 mitigated neg dec that staff reviewed and commented on,  
21 and it says in part that, "CBMI," that's the operator,  
22 "Waste management facility as outlined above will be  
23 installed on a 20-acre disturbed area east and adjacent to  
24 Shay Road. If additional acreage is required to support  
25 facility operations, a road will be installed and the

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1 50-acre area west of the proposed percolation ponds shown  
2 in figure 2 will be graded to provide additional storage  
3 and processing areas. No specific designs have been  
4 established for this area. An additional review and  
5 permitting effort would be required prior to implementing  
6 use of this expanded area. This additional study will  
7 consider the potential impacts of disturbing the whole  
8 50-acre area in support of the waste management  
9 operations."

10                   Staff reads that as one, that prior to  
11 going into this additional area there will be additional  
12 CEQA review. We had hoped that would be a part of that  
13 CEQA review and not just have it revised and not be privy  
14 to that. Also, it's unclear what's meant by "disturbing  
15 the area." We saw a difference between grading,  
16 disturbing an area, prepping an area, and actually  
17 operating on that area, putting static piles in place,  
18 moving equipment around in a long-term process. So we  
19 were expecting -- and our comments reflected that.

20                   We cited this portion and said yes, we  
21 agree with you that additional CEQA would be required  
22 before going into that area, and the lead agency had an  
23 opportunity to address that and we did not get any  
24 correspondence back from them either saying hey, you're  
25 off, you know, we feel that we've evaluated this already,

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1 or in any other kind of communication.

2 Later in the document, in the very end  
3 under the findings part, there's a reference to 70 acres,  
4 but it's not connected to anything in the analysis. It's  
5 just under the finding part. It says this document  
6 addresses 70 acres relative to the composting facility,  
7 but it doesn't say 70 acres of just disturbed or fully up  
8 and operating. It's not clear. Staff did ask specific  
9 questions about the acreage and did not get a response  
10 until after the document had been adopted.

11 CHAIRMAN EATON: Thank you. Is the LEA  
12 here? Let's see. Right here.

13 MR. STEVENS: Sir, Mark Stevens for the San  
14 Bernardino County LEA. Mr. Chairman and Members of the  
15 Board, first of all I'd like to begin by saying that the  
16 LEA certifies pursuant to Title 27, Section 21650(f)(3)  
17 that the permit application is correct including a  
18 complete and correct Report of Facility Information  
19 pursuant to Section 21600. Additionally, the LEA still  
20 finds that the proposed permit is consistent with and  
21 supported by existing CEQA analysis.

22 The LEA's perspective on this is that the  
23 original permit considered all significant impacts of  
24 disturbing the entire 70 acres, including the installation  
25 of the composting facility upon approximately 50 acres of

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1 that entire acreage, and I believe some of these apparent  
2 discrepancies need to be considered in the context of the  
3 initial study and I believe in that original context, if  
4 you look at the mitigation measures and the analysis that  
5 was pursued for each subject, that the revised initial  
6 study and revised mitigated negative declaration show a  
7 scaled down project from the original project.

8                   In fact, I was concerned that as to my  
9 thoroughness and I did a 13-page item-by-item comparison  
10 of the original and the revised initial study, and I  
11 remain convinced even more strongly that these were only  
12 clarifications to the original initial study and there was  
13 only a resolution of some ambiguities and that there was  
14 never an expansion of the project.

15                   Additionally, this project very closely  
16 mirrors what the Board heard last December at Thermal in  
17 Riverside County. It's essentially the same design,  
18 similar acreage, similar tonnage, and identical in many  
19 respects. So that's a brief summary of our perspective.

20                   The operator is present to address some of  
21 these issues. The lead agency is also present, and  
22 additional speakers are present to clarify these matters,  
23 Mr. Chairman.

24                   CHAIRMAN EATON: Any questions of the LEA?  
25 I just have one question because I want the timing and I

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1 hope you'll be able to give that. You said you deemed it  
2 complete. When did you deem it complete? Was that on  
3 12-24?

4 MR. STEVENS: As far as we knew, but  
5 because of some of the language and the Report of Facility  
6 Information, in consultation with Waste Board staff we  
7 proposed that the operator give us a few more  
8 clarification pages to the Report of Facility Information.

9 As to the CEQA analysis, we always felt  
10 that that was complete and that there was -- the proposed  
11 permit was consistent and supported by existing CEQA  
12 analysis at all times.

13 CHAIRMAN EATON: What I'm trying to  
14 establish is a time line here. What on 12-24 that  
15 Mr. DeBie mentioned did you deem complete?

16 MR. STEVENS: The package that we had  
17 reviewed and submitted to the Board.

18 CHAIRMAN EATON: And the size of that  
19 project was what?

20 MR. STEVENS: 50 acres.

21 CHAIRMAN EATON: And what was the project  
22 description at that time for the mitigated negative dec?

23 MR. STEVENS: I believe it was 55 acres.  
24 There was -- the difference between 55 acres and five  
25 acres is a hilly area that the operator determined

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1 wasn't --

2 CHAIRMAN EATON: And then you pass it up to  
3 us in what, the third week of January?

4 MR. STEVENS: Yes, Mr. Chairman. I believe  
5 it was received on January 20th.

6 CHAIRMAN EATON: All right. Yes, sir.

7 MR. AVERA: Chairman Eaton, my name is Dan  
8 Avera with the LEA with San Bernardino County. I would  
9 recommend that you listen to the lead agency,  
10 Mr. Gallagher, and to the operator, and after you hear  
11 their testimony, I believe you'll understand why the LEA  
12 has made those findings and has submitted the proposed  
13 permit to the Waste Board. And we will be available to  
14 answer additional questions.

15 CHAIRMAN EATON: I have speaker slips from  
16 Mr. Gallagher and followed by Mr. John Davis, Mr. Dave  
17 Hardy and Mr. Paul Glass. If you desire -- excuse me one  
18 second, Mr. Gallagher. Just -- I don't have a particular  
19 problem if the names that I called off, if you want to go  
20 in a particular order. If that suits your needs to make  
21 your case, that's fine as well. I just put that through  
22 because I think you all are pretty much on the same side  
23 of the fence and that's really something that's internally  
24 among the four or five of you.

25 MR. GALLAGHER: Okay.

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1                   CHAIRMAN EATON: Did you want to go first  
2 or anyone else?

3                   MR. GALLAGHER: Thank you, Members of the  
4 Board and staff. My name is Dan Gallagher. I'm the  
5 General Manager of the Victor Valley Waste Water  
6 Reclamation Authority, and I'd like to just give you a  
7 quick, brief rundown on exactly what we are.

8                   Victor Valley Waste Water is a joint powers  
9 authority. We have four member entities and those are  
10 comprised of San Bernardino County, City of Victorville,  
11 City of Hesperia and Town of Apple Valley. Our Board  
12 Chair is Kathy Davis, our First District Supervisor for  
13 San Bernardino County, and our other representatives are  
14 elected city council people for each of the member  
15 entities.

16                  Our regional authority was first started in  
17 1978. The plant was built in 1980 to serve about 4.5  
18 million gallons a day in capacity and it was expanded in  
19 1988. We're currently planning our next expansion to keep  
20 up with growth that's happening in Victor Valley. Now,  
21 Victor Valley, if you're not familiar with the area, is on  
22 I-15 in between L.A. and Las Vegas. We're in the high  
23 desert area.

24                  Our CEQA process essentially started as we  
25 began planning for our treatment plant expansion, and

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1 along about the same time came the compost facility. And  
2 because the two projects were occurring almost  
3 simultaneously, we made the decision as the lead agency to  
4 do the CEQA document for both the compost facility and the  
5 treatment plant expansion. Our expansion planning began  
6 in about 1997. We've been aware we need to expand our  
7 capacity, so we started looking at this design project as  
8 far back as then.

9                   The compost facility was going to be  
10 constructed or proposed to be constructed about the same  
11 time, so the two are running very close. As a matter of  
12 fact, our treatment plant expansion bid opening is  
13 tomorrow. We hope to be under construction by May or  
14 June.

15                   The document was approved by our Board, and  
16 that's the initial study for the CEQA, in October of 1999.  
17 It was adopted on December 6th of 1999. On advice of our  
18 legal counsel and our environmental counsel, the changes  
19 that were made to the final document were deemed  
20 insignificant, and on the advice of legal and  
21 environmental counsel, our Board made the decision that  
22 the document did not need to be recirculated, we were in  
23 full compliance with CEQA law, and the notice of  
24 determination was adopted and circulated to the County and  
25 to the OPR.

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1                   Now, running concurrent with this project  
2 is that we are applying for state revolving fund loan  
3 money with the State Water Resources Control Board, and of  
4 course with our bid opening tomorrow, we're trying to get  
5 complete all of our documents that we need to get our SRF  
6 loan. Our CEQA was very carefully considered by the  
7 elected Board, and we have no intention to recirculate the  
8 document. We are waiting to get environmental and  
9 cultural resources clearance for our SRF loan, and I also  
10 have letters that I believe were sent to the Integrated  
11 Waste Management Board in the last couple days, one from  
12 our legal counsel basically stipulating again that we're  
13 in full compliance with CEQA law when we filed the  
14 document, and also from our environmental counsel  
15 responding to technical issues on the same thing.

16                   I believe that the documents were fairly  
17 clear. Right from the beginning we identified that the  
18 compost facility was going to occupy 20 acres with an  
19 expansion into another 50, and our document very clearly  
20 showed that we had 120 acres total. Of that, 50 acres is  
21 for our percolation ponds, which is part of the waste  
22 water treatment plant, and the other 70 acres was for our  
23 compost facility. So again, it is our very strong opinion  
24 and decision that the changes that were made were  
25 insignificant on the final document and our agency plans

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1 to stand by the CEQA document.

2 Be very happy to answer any questions you  
3 may have.

4 CHAIRMAN EATON: Thank you, Mr. Gallagher.

5 MR. GALLAGHER: Thank you.

6 CHAIRMAN EATON: Mr. Hardy.

7 MR. HARDY: Good afternoon. I'm David  
8 Hardy. I'm President of California Bio-Mass.

9 With respect to staff's presentation -- and  
10 I want it to be very clear. This is a respectable  
11 disagreement about a process that has been very thorough,  
12 in my opinion, where there was dialogue going on at all  
13 time, and at the same time I want you all to be assured  
14 that we're sensitive to the fact of what the Governor's  
15 office is passing along to you and staff, rightly so as we  
16 become extra sensitive about it, but I think in passing  
17 that message along, and at the direction of the Board that  
18 we really don't -- respectfully I'll disagree with Board  
19 Member Roberti that we don't fit that classic profile.  
20 I'll point to a couple of key points of why we feel that  
21 way.

22 First of all, in the basic document to  
23 start all this is my lease agreement with the VVWRA signed  
24 back in April-May time frame that specifically specifies  
25 70 acres and the project is going to be this big. In

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1 addition to that, as we mentioned, we're combined with the  
2 CEQA process which allowed -- unfortunately it makes it a  
3 larger document -- but it looked at the entire project,  
4 and up in the first couple of pages in the initial study  
5 it specifically says it's a 120-acre project and then  
6 that's what we looked at.

7                   A couple of points and things that have not  
8 changed. The acreage has actually shrunk. The total  
9 volume on-site is still 134,000 tons, which just from a  
10 pure common sense side of the site plan that was included  
11 you can't fit that on 20 acres. In addition, if you also  
12 look in the initial study, it also contemplates the fact  
13 that the 35 to 50 acres that is in the phase two is that  
14 we're required to purchase at a 3:1 ratio offsetting land  
15 because we have to replace that habitat. That's a  
16 significant expenditure on our part and it's in the  
17 initial study.

18                   In addition to that, the take permits and  
19 all of the other things with cultural resource and things  
20 like that all address specifically that upper portion  
21 because that's the sensitive area. Finally, because the  
22 CEQA document serves as the foundation for everything that  
23 when you go to open these facilities is based on, it is  
24 the base document. It is the common document that goes  
25 throughout all of the organizations, not only your

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1 organization but the Regional Water Quality Board, the Air  
2 Board and such, and most importantly my CUP, which was  
3 approved in December, that specifically says we're on "X"  
4 amount of land, this is what the site plan which mirrors  
5 the initial study. It is the base document.

6 BOARD MEMBER ROBERTI: Could I ask staff  
7 one more time?

8 CHAIRMAN EATON: Sure. Senator Roberti.

9 BOARD MEMBER ROBERTI: My understanding was  
10 that the original CEQA document called for 20 acres. Will  
11 you please clarify exactly -- and now the speaker  
12 subsequently says it was spelled out in places in the  
13 document. It is very important to know exactly what would  
14 have led a reasonable person to believe it was only 20  
15 acres.

16 MR. DE BIE: I'm debating on how to respond  
17 to that without getting really confused with all the  
18 numbers.

19 As the Senator recalls, I read a passage  
20 from the project description in the original document that  
21 did describe 20 acres initially. It did include 50 acres  
22 to support the waste management project, 70 acres, but it  
23 indicated that prior to beyond disturbing that area, there  
24 would be additional CEQA and permitting.

25 BOARD MEMBER ROBERTI: Can you read that

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1 language where it says there would be additional CEQA  
2 permitting?

3 MR. DE BIE: "No specific design has been  
4 established for this area. An additional review and  
5 permitting effort would be required prior to implementing  
6 use of this expansion area."

7 BOARD MEMBER ROBERTI: That sounds --

8 MR. DE BIE: Staff read that as CEQA review  
9 prior to going into that expansion area.

10 BOARD MEMBER ROBERTI: Sounds pretty close  
11 to that to me.

12 MR. HARDY: If I may interject. The  
13 description that was read there -- and let's go back to  
14 the environmental consultant that's writing this. The  
  
15 facility is split in two. There's an area one and an area  
16 two. Area one is 20 acres. That's where the office and  
17 the scale is. What they were trying to communicate in  
18 that initial description is the fact that the 20 acres is  
19 graded first because we have to get the office and the  
20 scaling in, and as soon as that's done then the upper  
21 portion is graded. The reason being it's the upper  
22 portion that actually holds the majority of the material.  
23 The lower section, and why that's the first priority, is  
24 because that's where the scale and the office is and at  
25 the same time the finished product. And I would agree

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1 with staff the description by the consultant of that first  
2 rendition was somewhat cumbersome, but if you look at the  
3 site design that was included in the package, it  
4 demonstrates all of this in a picture format.

5 BOARD MEMBER ROBERTI: Yes. Even if it  
6 says in the picture format, though, if you have language  
7 saying to somebody to whom you're trying to give notice  
8 you're getting a second crack at challenging this if  
9 things don't work out right -- and I'm not disputing the  
10 fact that the diagrams or whatever would have been there,  
11 and then saying there is no second crack at it -- that's  
12 not proper notice to somebody. It's not my feelings of  
13 inadequacy of your project one way or the other, but it's  
14 been something since I've been on the Board that I've been  
15 trying to stress and that is the importance of notice. In  
16 this case, this is an aspect of notice that is the proper  
17 delineation of the project.

18 MR. GALLAGHER: If I may, if I can respond  
19 as the responsible agency for the CEQA, the review and  
20 permitting that was mentioned in there, we have to apply  
21 for incidental take permits from California Fish and Game  
22 because the -- a large part of that property is identified  
23 desert tortoise habitat and Mojave ground squirrel  
24 habitat, and both of those are endangered species.

25 We also have to provide as part of the

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1 CEQA, which it described, both biological and cultural  
2 resources surveys during the construction because the area  
3 is also known to be potentially archaeologically  
4 significant. We have one particular area removed from  
5 this site that has already been identified with some very  
6 old footprints from early man -- early settlers in the  
7 area. So the permitting and review that were mentioned  
8 were not CEQA. They were follow-up actions, as I say,  
9 because of the endangered species and cultural resources.

10 BOARD MEMBER ROBERTI: I understand that,  
11 but it's still an aspect of CEQA.

12 MR. GALLAGHER: But those issues were  
13 addressed in the CEQA and how they would be mitigated. In  
14 fact, they're part of the mitigation monitoring plan.

15 BOARD MEMBER ROBERTI: Addressed for the  
16 whole 70 acres?

17 MR. GALLAGHER: Yes.

18 BOARD MEMBER ROBERTI: But it says that  
19 they will still have to be re-addressed.

20 MS. TOBIAS: I have a question as well, I  
21 guess.

22 CHAIRMAN EATON: For the record I should  
23 say, "Ms. Tobias."

24 MS. TOBIAS: Thank you, Mr. Chair. I guess  
25 the question for us is why weren't our comments addressed.

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1 I think that when we responded we basically sought  
2 clarification with respect to that particular point, that  
3 it said there was additional permitting required for that.  
4 And Mark, correct me if I'm wrong, but I think that as a  
5 responsible agency we basically put that on the record  
6 with the lead agency that that was our understanding, and  
7 yet we received no clarification of that.

8 MR. GALLAGHER: Well, I'm sorry that you  
9 misunderstood that that was what was going on. We're  
10 currently in negotiations with California Fish and Game  
11 and U.S. Fish and Game alike for our take permits and  
12 we're going through that process. That, of course, is  
13 spelled out in CEQA that that would be occurring following  
14 the adoption of the CEQA document.

15 MS. TOBIAS: I understand that, but I think  
16 the point is how is a responsible agency -- if we send a  
17 comment in and we say our understanding is that additional  
18 CEQA review will be required prior to the utilization of  
19 that, then how are we supposed to know if you don't  
20 respond back to us of what that's about? How is a  
21 responsible agency supposed to know that?

22 MR. STEVENS: Can I ask what the response  
23 was because I don't know what the response was on that  
24 particular item.

25 MR. DE BIE: We did not receive any

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1 responses to our comment prior to the adoption of the  
2 document.

3 MS. TOBIAS: What was the comment?

4 MR. DE BIE: The comment from staff was a  
5 reiteration of what we read in the document followed by a  
6 sentence, "Staff agree that additional environmental  
7 analysis may be appropriate for the expansion of the  
8 project." We're making a distinction between --

9 BOARD MEMBER ROBERTI: Which comment is  
10 that?

11 MR. DE BIE: That is Board staff's comment  
12 to the responsible agency on the original mitigated neg  
13 dec. I think we were realizing that there needs to be a  
14 distinction with this project in what kind of impacts  
15 would result from regrading and disturbing the area, which  
16 a lot of the mitigations address in terms of take and that  
17 sort of thing, and what seems to be a lack of analysis  
18 about having an up-and-running compost facility go from 20  
19 to potentially 70 acres and not have that specifically  
20 outlined in the initial study for a responsible agency to  
21 review and comment on.

22 So many of the impacts do address  
23 disturbing a 70-acre parcel, but we did not see analysis  
24 for a project that was, in our reading of the document,  
25 two or three times larger than what was being described in

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1 the project description.

2 MS. TOBIAS: If you don't comment back to  
3 the responsible agency on what our understanding is, how  
4 is a responsible agency supposed to know that we made a  
5 wrong assumption, if that was the case, which I'm not sure  
6 it is. There's been no response to us on this document  
7 until we got a letter from your consultant on the 2nd of  
8 February, and that's a month and a half later, almost two  
9 months, later than your mitigated neg dec was revised.

10 MR. GALLAGHER: I may be mistaken on this,  
11 but I know that one of the agencies had commented. Not  
12 all of the comments were forwarded to us by the state  
13 clearing house and they came back and requested responses  
14 to their comments long after the comment period was over,  
15 and that may be the one we're talking about. I don't  
16 recall exactly.

17 MR. DE BIE: I think that's a true  
18 assessment, that perhaps the lead agency did not get our  
19 full comments from the state clearing house, but I think  
20 it would have been obvious that there wasn't a full  
21 comment letter there since we do include page numbers, and  
22 there was no attempt on the lead agency to follow-up with  
23 the state clearing house or with us to get our full  
24 complement of comments.

25 It was not until staff realized there was a

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1 revision to the mitigated neg dec that we had not been  
2 able to review that we requested comments or response to  
3 comments from the lead agency.

4 BOARD MEMBER ROBERTI: Mr. Chairman.

5 CHAIRMAN EATON: Senator Roberti.

6 BOARD MEMBER ROBERTI: I think it's an  
7 interesting case and a case where obviously people have  
8 good intentions and misapprehensions, but to a person to  
9 whom notice has to be given, I think there is sufficient  
10 lack of clarity and I think that would warrant a lead  
11 agency assumption by this Board and another CEQA document  
12 being proposed. I'm saying that because I have a  
13 construction problem at my own house and I was wondering  
14 if you could open the roll just for my vote.

15 CHAIRMAN EATON: Certainly. We would be  
16 happy to.

17 Madam Secretary, would you please open the  
18 roll on the motion.

19 BOARD SECRETARY: Senator Roberti.

20 BOARD MEMBER ROBERTI: Aye.

21 CHAIRMAN EATON: Senator, we will keep up  
22 whatever succeeding kinds of things if you're able to make  
23 it back from that; if not, tomorrow you will be free to  
24 add on in whatever fashion. Okay.

25 MS. TOBIAS: Mr. Chair.

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1                   CHAIRMAN EATON: Yes.

2                   MS. TOBIAS: May I make a couple other  
3 comments just to follow that so they're kind of close in  
4 terms of the remarks? I think it's important to  
5 understand that we have no issues with the environmental  
6 document for the waste water treatment facility. I kind  
7 of heard it different times that the treatment facility is  
8 concerned that a problem with the project description that  
9 we have with the compost facility will affect their  
10 document.

11                   In my experience with CEQA in looking at  
12 this, I don't believe this has any effect on the CEQA  
13 documentation for the waste water treatment facility  
14 itself. I also don't believe that our review will effect  
15 the city environmental documents or their approval of  
16 their CUP. I think if they're satisfied with the project  
17 description, I don't think that's going to affect. I  
18 think it's simply that staff feels that for the purposes  
19 of our review that we have a problem with the project  
20 description that should not affect previous reviews and  
21 does not open that to scrutiny. So I think it's important  
22 to make that clarification.

23                   MR. STEVENS: Chairman Eaton and Board  
24 Members, the LEA had a concern about the acreage  
25 ambiguities and commented specifically on that request of

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1 clarification, and prior to the VVWRA hearing on this  
2 matter the LEA received the following response from the  
3 consultant to the lead agency and that is, quote, "The  
4 total area of the facility is approximately," pardon me,  
5 "Approximately 55 acres, consistent with the CUP  
6 application to the City of Victorville and consists of  
7 about 20 acres adjacent to Shay Road and about 35 acres  
8 west of the percolation ponds. All areas were evaluated  
9 in the initial study, and the impact forecast include the  
10 35 acres west of the ponds," end quote.

11 Because of that, the LEA felt satisfied  
12 that impacts and mitigations for the entire approximately  
13 55 acres were considered.

14 CHAIRMAN EATON: Mr. Jones. I'm sorry.  
15 You had a comment.

16 BOARD MEMBER JONES: I'm glad to hear that  
17 because I think that's consistent with what an LEA is  
18 supposed to do on these things, but I do have a question.  
19 As I heard, our comment letter back was that we -- and I  
20 don't want to paraphrase because I think I keep hearing  
21 paraphrased sentences here -- but what did we say, that  
22 maybe we would need?

23 MR. DE BIE: The statement is, "Staff agree  
24 that additional environmental analysis may be appropriate  
25 for the expansion of the project."

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1                   BOARD MEMBER JONES: May be. Not that it  
2 needed to be, not that we were only signing this off, but  
3 that depending upon what it looked like, that maybe there  
4 needed to be more CEQA. I think that's pretty critical  
5 when you're putting a program like this through because as  
6 an operator you're looking for input as to find out what  
7 the next step is, what you have to do next, and if  
8 somebody says maybe if it changes we're going to have to  
9 comment, that's pretty reasonable.

10                   I want to know did Fish and Game sign off  
11 on this? Did the habitat people? Did all of the other  
12 people? This went to a lot of responsible parties and  
13 you're working with endangered species.

14                   MR. GALLAGHER: Yes.

15                   BOARD MEMBER JONES: Did those people sign  
16 off on this environmental document?

17                   MR. GALLAGHER: We responded to their  
18 comments and they did not challenge the CEQA, the adoption  
19 of it by our Board.

20                   BOARD MEMBER JONES: For the endangered  
21 species --

22                   MR. GALLAGHER: Yes.

23                   BOARD MEMBER JONES: -- on the 120 acres.

24                   MR. GALLAGHER: Yes. In fact, we are  
25 currently working to purchase the mitigation habitat, the

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1 replacement habitat, and also for the take permits from  
2 U.S. Fish and Wildlife and California Fish and Game.

3 BOARD MEMBER JONES: Your WDRs, are they  
4 for the 120 acres?

5 MR. GALLAGHER: Our WDRs?

6 BOARD MEMBER JONES: Yes.

7 MR. GALLAGHER: We're actually on an MPDS  
8 permit.

9 BOARD MEMBER JONES: Okay. Okay.

10 CHAIRMAN EATON: Mr. Glass, did you have a  
11 comment? I have Mr. Glass, I believe.

12 MR. GLASS: Thank you, Mr. Chairman,  
13 Members of the Board. I'm Paul Glass. I'm representing  
14 San Bernardino County. I'm not here to address the CEQA  
15 issues because I think the speakers before me have  
16 addressed that and the one following me will also do that.

17 I'm here to just demonstrate the support  
18 for this project on behalf of San Bernardino County. We  
19 think this is a significant and an important project for  
20 us. For one, it will be the only permitted food compost  
21 facility in San Bernardino County. For another reason, it  
22 will provide, we think, we believe, a means for us to  
23 further meet our diversion requirements in implementing  
24 our SRRE and it will be a benefit not only to the various  
25 communities in the high desert but indeed to the whole

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1 county because much of the source material will come from  
2 the valley areas of the county.

3                   It has the added benefit of being a full  
4 C&D recycling facility. This project has been considered  
5 off and on over the past number of years, and we think  
6 it's a long overdue project. After you address the CEQA  
7 issue, we would certainly encourage your favorable  
8 consideration for the permit for the facility. That's all  
9 I have to say.

10                   Thank you very much.

11                   CHAIRMAN EATON: Thank you, Mr. Glass. I  
12 have Mr. Davis, John Davis.

13                   MR. DAVIS: Hi, Mr. Chairman and Board  
14 Members. This is an interesting issue and I'm learning  
15 about it, as you are. I didn't know until last week that  
16 there was even an issue on the table that was not capable  
17 of being resolved. I just learned now that perhaps the  
18 clearing house didn't transmit your full request for  
19 information.

20                   I've got to tell you as administrator for  
21 the Mojave Desert-Mountain Joint Powers Authority, we have  
22 complete confidence in this team and we're very excited on  
23 this project. I've worked ten years to get this project  
24 to this stage. When we did our regional SRRE, we  
25 indicated that we would pursue a mixed compost facility.

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1 There were none in California.

2 We've talked to operators. I've gone to  
3 Biocycle national conferences, west coast conferences.

4 I've had visits with operators in England, operators in  
5 France, trying to find a way to fulfill that facility. We  
6 were very pleased to find a way to overcome the issues of  
7 a project scale. As you know, Mr. Chairman, the high  
8 desert historically has not had a lot of yard waste, so we  
9 can't wait for someone to come forward and put in a  
10 compost facility, which has happened throughout the state.  
11 We had to go out and actively market and promote this  
12 facility.

13 The scale issue as addressed -- as Paul  
14 Glass said because it's part of a regional system, it  
  
15 actually will receive material from throughout San  
16 Bernardino County. Item Number two on your agenda today  
17 is an RMDZ loan that recognizes the interrelationship of  
18 that system, so there is a lot involved in this.

19 We designed our MRF in Victorville to  
20 accommodate a mixed composting facility in order to be  
21 able to comply with the SRRE programs that we laid out.  
22 When we -- when California Bio-Mass expressed an interest  
23 in pursuing the facility, that was the site we showed to  
24 them.

25 The issue then became an issue of

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216

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1 appropriate size and also water supply, and at that point  
2 we suggested they talk with VVWRA about their reclaimed  
3 water really with the intention of trying to determine if  
4 it would be feasible to deliver the reclaimed water to the  
5 MRF location for our compost operation. During those  
6 discussions, I think the project became -- took the kind  
7 of course that it needed to and ended up sited at the  
8 VVWRA facility. They have land, they have reclaimed  
9 water, and they're certainly an experienced operating  
10 agency, as we are. They're a joint powers authority.  
11 They include some of our members. We share the same  
12 Chair, and they then assume the lead agency role in  
13 consultation with all the affected agencies, including the  
14 City of Victorville which had the final land use authority  
15 over the CUP.

16 I kind of approached it up to that point as  
17 an RMDZ administrator trying to provide the kind of  
18 technical that I've pledged in our zone, trying to provide  
19 the permit assistance that we had pledged, trying to  
20 streamline that process. And as you can see, there's a  
21 lot of people involved in this facility.

22 So we're glad that the LEA has looked at  
23 this. I'm disappointed if the clearing house didn't  
24 submit a comment letter around, but I guess if the permit  
25 is good, if the CEQA process is complete and filed, and

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1 the final project description that was part of that filing  
2 and publication is accurate -- and there may have been  
3 some clerical error in transmitting the clearing house  
4 comments -- what's gained?

5                   We'd like to go forward with this. It  
6 serves our region. It serves the entire county. During  
7 the discussion with the operator, they indicated a  
8 willingness to proceed with construction and demolition  
9 material. We've begun the process in the cities to  
10 reorganize our collection routes. We've begun a process  
11 to direct C&D loads through our facility to this facility  
12 for processing and recycling.

13                   And we think in the long-term this will be  
14 incredibly beneficial to the area as it grows, and it is  
15 going to be a fast-growing area. We'll be able to handle  
16 the C&D material, and as the area grows, Mr. Chairman, the  
17 homes that are being built there now are planting grass.  
18 The new subdivisions are designed with the kind of yards  
19 you see in the coastal area. Science has managed to find  
20 a type of grass that will grow in that climate. So we're  
21 actually in the process of designing our first curbside  
22 green waste collection programs in those newer areas. As  
23 the area grows, it just becomes a key part of our  
24 diversion program. So I can't -- I guess I can't  
25 encourage you too strongly to let this project go.

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1 Thank you.

2 CHAIRMAN EATON: Thank you. Any other  
3 questions? I have a couple just of staff or whatever.  
4 When does the 60 days run? Tomorrow?

5 MS. NAUMAN: Mr. Chairman, the 60 days runs  
6 on March 21st, which is the first day of your next Board  
7 meeting.

8 CHAIRMAN EATON: If I were a citizen near  
9 the project site or whatever, what notice would I have  
10 received? Would I have received notice as it related to  
11 the 55 or would it have been as to the 20? I think that  
12 was one of the points the Senator was making. I just --  
13 we're all around it, but I just want to figure out what --  
14 if I were an individual in the area, what would I have  
15 seen as a project description?

16 MR. GALLAGHER: Our Board held two meetings  
17 including one public hearing and one public meeting in  
18 which this CEQA document was discussed, and we were open  
19 to any public comments. We have a public comment period,  
20 of course, as part of this.

21 CHAIRMAN EATON: You've got to answer my  
22 question. What did the document say? What was the  
23 project description? Was it 20 or 55 or 70?

24 MR. GALLAGHER: 70 acres for the compost  
25 facility.

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1                   CHAIRMAN EATON: And I'm trying to go  
2 through each of the initial in my own mind before I make  
3 up my mind with regard to the C&D processing area. They  
4 said it was 22,500 and it was 97,500. Was there any  
5 discussion of that? I'm trying to go through the point by  
6 point to find out what was the comparison.

7                   MR. HARDY: Not only in the public hearing  
8 process that Dan alluded to, but also during the CUP  
9 process which under all the land use guidelines and codes  
10 for the City of Victorville. There's a certain distance  
11 where everybody has to be notified, that finalized initial  
12 study identifying the 55 acres, the C&D. All of that  
13 stuff is all public noticed.

14                  MS. TOBIAS: Mr. Chair, if I may clarify  
15 something.

16                  CHAIRMAN EATON: Yes.

17                  MS. TOBIAS: I think in this situation  
18 we're under fairly unique circumstances that the noticing  
19 problem here was actually to a responsible agency as  
20 opposed to citizens. As we've talked before, and I think  
21 the Board has grappled with this a number of times, it's  
22 often been citizens who have come before the Board and  
23 said, "I didn't hear about it."

24                  CHAIRMAN EATON: Thank you. I was just  
25 wondering.

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1                   MS. TOBIAS: "I wasn't close enough to the  
2 radius lines," or whatever. In this case, and this is why  
3 I think staff feels so strongly about this, this Board is  
4 a responsible agency and has a real responsibility under  
5 CEQA to look at these documents. Our staff is very  
6 diligent. I would say one of the most diligent of one of  
7 the state agencies in sending out comment letters because  
8 a lot of times people don't know all the requirements for  
9 the different permits and our different programs.

10                   So in this case the problem really is that  
11 as a responsible agency, we sent our letter in. We asked  
12 the questions that we thought needed to be asked, and then  
13 when we got the permit we saw a different project. You  
14 can call it a revised project or I think to a certain  
15 extent Mark even laid the ground work in his presentation  
16 that to us this is a new project. This is not the one we  
17 commented on. It is a different project. I don't have  
18 any doubts that the local process basically heard what the  
19 different choices were, but we were not at those hearings  
20 so we didn't know what the project was.

21                   CHAIRMAN EATON: That helps. Okay.

22                   MR. HARDY: Did we answer your question  
23 about the fact that in the immediate area --

24                   CHAIRMAN EATON: I just was wondering.  
25 There was something that was confusing me. In terms of

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1 the lines of notice, one that goes to the citizens and one  
2 that goes to responsible agencies, and I was getting  
3 confused which ones were.

4 MR. HARDY: The labels, public noticing,  
5 all of that -- you have to kind of understand where we  
6 are. We're kind of way out in the middle of nowhere and  
7 we have cement kilns as neighbors, and I believe even with  
8 the Air Force base that's not too far from us, the radius  
9 was in excess of over a mile.

10 In addition to the C&D, the size of the  
11 project has not changed. We merely made for more space to  
12 C&D and this was based on what the city requirements are.  
13 So in other words, the amount of space allocated to it  
14 within the 55 acres was expanded, and that's primarily to  
15 hold more material because contractors that come in and  
16 grind this stuff require you have "X" amount of material  
17 on-site to come in and process it.

18 Thank you.

19 CHAIRMAN EATON: All right. With regard  
20 to Ms. Tobias, one question to you. When you got the --  
21 looked at the permit and saw the information didn't seem  
22 to reconcile, is additional time needed to comment on that  
23 now? Is that what the issue is or are there other issues  
24 as well with the project based upon CEQA? I'm trying to  
25 get an inventory of issues.

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1                   MS. TOBIAS: It's a fair question. I think  
2 what staff is suggesting is that the Board act as lead  
3 agency here and recirculate the document. In saying  
4 "document," what we would be recirculating is the  
5 documents that were used, including the information on the  
6 project as approved, this larger project that we see, but  
7 the project description would be clear that it has nothing  
8 to do with the waste water treatment facility. It will  
9 simply be the compost facility itself, which is the one  
10 that we have permitting authority over.

11                   CHAIRMAN EATON: Procedurally, what kind of  
12 time frame is that as it impacts?

13                   MS. TOBIAS: A negative declaration  
14 generally requires 30 days, so our intent was, I think, to  
15 bring it back at the April meeting.

16                   CHAIRMAN EATON: And if I could just --  
17 either for Mr. Hardy or whatever -- see what might be -- I  
18 don't want to say unreasonable because that's biased, but  
19 what would be the objection to that or is there some  
20 reason other than principal? I'm trying to sort my way  
21 through this quagmire.

22                   MR. HARDY: As I mentioned earlier, the  
23 CEQA document is the foundation of which everything  
24 springs from -- the Regional Water Quality Board permit,  
25 my CUP, Fish and Game, all of those. It's the foundation

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1 of everything. You tinker with that, for whatever  
2 honorable reasons, is that the entire system has to be  
3 reconstructed. So that means that until that process is  
4 done and completed, that then I'll have to go back through  
5 the CUP process, I'll have to refile with the Regional  
6 Water Quality Board, they'll put me on another 90-day  
7 schedule because that's their time frame. In other words,  
8 it's going to push this project out in excess of six  
9 months, and I find that --

10 MS. TOBIAS: May I respond to that?

11 CHAIRMAN EATON: Sure. Absolutely. I'm  
12 trying to narrow the issues down, Board, even though  
13 there's a motion before us.

14 MS. TOBIAS: I respectfully disagree with  
15 that assessment. As a responsible agency, all we're doing  
16 is making sure that the document fits the needs of this  
17 particular responsible agency. There's nothing that would  
18 change the project that's been approved in the CUP, any  
19 other approvals by state agencies, any other responsible  
20 districts or anybody else down there. It will have no  
21 effect in my opinion and I have a fairly substantial  
22 background in CEQA and permitting to make that statement.

23 BOARD MEMBER JONES: Mr. Chairman.

24 CHAIRMAN EATON: Mr. Jones.

25 BOARD MEMBER JONES: You said that the LEAs

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1 did their job, everybody was noticed. Everybody has come  
2 forward and said this was a 70-acre project. We  
3 acknowledge that it was a 20 plus 50, 70-acre project, and  
4 said if this thing changes very much and you have to do  
5 permits, whatever it was, we may be -- it's not may be.  
6 Additional review may be needed. And what I want to ask,  
7 because we are here to be more than just bureaucrats.  
8 We're here to serve the public and I agree with the  
9 Senator when he said the public needs to know, but the LEA  
10 is who we have certified, that they are supposed to do  
11 their job. In fact, we have an LEA that says he did 16  
12 pages of research on this thing to make sure that  
13 everything that was done and has said everything was done.

14                   If we, this agency, misread that document  
15 and nobody else did, I don't think that's grounds to hold  
16 a project up for 90 days. The stuff I asked Mr. Gallagher  
17 to send me, which I'm sure staff had, is -- and all you  
18 guys have -- we don't get it unless we ask for it -- the  
19 notice of completion says 70 acres, 20 plus 50. I just  
20 want to know what are we trying to affect? You said it  
21 doesn't affect what they did locally, doesn't affect the  
22 waste water treatment plant. It doesn't affect the  
23 conditions of the CUP.

24                   Does it just affect the fact that we feel  
25 better that whatever mistake we made has been clarified

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1 for the sake of whatever the sake is, or can we just say  
2 you know what, all the local testimony came forward.  
3 Everybody feels that they have looked at this project  
4 completely. Everybody was noticed. There were three  
5 public meetings. It went through other agency that has a  
6 heck of a lot more -- when you are dealing with endangered  
7 species, they don't toss that to the side. It's a pretty  
8 serious issue. Everybody signed off on this thing. We  
9 put in a comment that says if this changes substantially,  
10 we may be -- it may be needed that we have to do more  
11 work.

12 I don't -- I'm trying to get at the benefit  
13 to the people of the state of California and this  
14 organization, and what I read on the notice of completion  
15 said 70 acres. If everybody sits there and says going  
16 from 70 down to 55 is not a significant impact, I have a  
17 tendency to agree with that. If we didn't read it right,  
18 and I'm not saying we didn't read it right, we maybe  
19 didn't interpret that the same way, I don't know why they  
20 have to be penalized when no other agency is willing to  
21 penalize them. I just -- I don't think that's good  
22 government.

23 MS. TOBIAS: May I respond?

24 CHAIRMAN EATON: Sure. Yes.

25 MS. TOBIAS: I think that the important

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1 thing to understand here is that CEQA requires a stable  
2 and finite project description. That's the whole basis  
3 upon which the CEQA process rests. If you have a project  
4 description that changes during the process, it's  
5 important that all the parties -- the public, the other  
6 districts and agencies at the local level, and the  
7 responsible agencies -- understand what that project is  
8 and have an opportunity to comment on it so that they  
9 understand what's going on.

10 I think the benefit to the State and the  
11 benefit to this agency is that we take CEQA very seriously  
12 here, that we do feel that lead agencies and that the LEAs  
13 should make sure that the Board is involved when those  
14 projects go through the local process. We can't be at  
15 every hearing, but I do think that we insist that the CEQA  
16 documentation be sufficient for the needs of the Board,  
17 and I think that's something that this agency is known  
18 for. I think we have far fewer threats and actual CEQA  
19 lawsuits than other state agencies because we are very  
20 careful with our CEQA documentation.

21 As to the language that was referred to,  
22 which may be required, I have to say in my own experience  
23 that that's very standard CEQA language because what it  
24 does mean and what CEQA requires is that each time you  
25 will look at it and you will decide if some additional

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1 review needs to be made. So it's always said may be  
2 required because we don't want to presuppose that the  
3 document -- or that the project couldn't go forward on a  
4 categorical exemption or some other kind of mechanism that  
5 would reflect a lower level of CEQA review.

6                   In my own opinion, for what that's worth, I  
7 would just say that's very general language that doesn't  
8 mean that we're kind of not interested or signing off on  
9 it, we're just saying that may be required and that seems  
10 like pretty typical language to me and I think would  
11 generally be taken seriously by anybody receiving that  
12 language.

13                   BOARD MEMBER JONES: I think it would too,  
14 but if your intent is -- and I know one of the thresholds  
15 that we always have to deal with is is this a significant  
16 change, and that's a subjective term that changes based on  
17 the project, the place, the players, who the personalities  
18 are. If the document went through and these guys and  
19 everybody in the world saw it as a 120-acre project with  
20 70 acres as a composting facility and it went down to 55,  
21 is that -- going down normally doesn't trigger a  
22 significant change in our book; right?

23                   MS. TOBIAS: I would say generally speaking  
24 that a decrease in the size of a project would not  
25 engender additional CEQA review.

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1                   BOARD MEMBER JONES: Right. And that goes  
2 to the heart of what I'm saying is that if it's clearly --  
3 if it didn't somehow grasp that 20 and 50 is 70, that it  
4 went to 55 to what's the issue, and that's all I'm trying  
5 to do is get consistency. I have these things because  
6 we're never the same.

7                   MS. TOBIAS: I think the issue for staff is  
8 not one simple change. I think what the fact is that  
9 staff sees a number of changes and reflecting that there  
10 were a number of changes and felt that this was a  
11 different project from what we reviewed. I would not just  
12 go to one simple was it 20, 50 or 70. That's one of, I  
13 think, nine or ten changes that were made to the project  
14 and I think that's what's important.

15                   Any one of these by themselves probably  
16 might not have -- may not have triggered this kind of  
17 situation, but with nine or ten changes, I think that  
18 staff felt that this was a serious change in a project  
19 description and that's what's triggered our  
20 recommendation.

21                   CHAIRMAN EATON: Mr. Hardy.

22                   MR. HARDY: Staff identified seven items  
23 which we responded to. The first regarding total acreage,  
24 and then the preposition that there was a phasing element  
25 to this, of which you've heard testimony that there

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1 wasn't. Second, aerated versus static. We don't do  
2 aerated static piles. We do static piles. It's identical  
3 to Thermal. In fact, we submitted to staff a technical  
4 explanation of why that significantly, at least from an  
5 environmental impact perspective, dramatically reduces and  
6 it was viewed as being a lesser impact than what was  
7 originally considered if it was aerated.

8                   And the second one was the change in size  
9 of C&D, which again, it didn't change the total acreage  
10 on-site. We merely expanded the amount of area that we  
11 can hold the C&D in. And then additional manure. We take  
12 manure in as an additive. As you're well aware of from  
13 our Thermal project, we take that in and blend it with  
14 compost, it gets shipped out to customers.

15                   Vehicle trips from 25 to 50, the 25 number  
16 had to do when the road was being designed and how many  
17 heavy truck trips were we going to have on the road, 25.  
18 That's about a million-dollar expansion on that road.  
19 That road currently supports 8,000 trips a day, and what  
20 was modified in the CEQA document was to reflect the fact  
21 that we're going to get landscapers in every once in a  
22 while in pickup trucks and that was elevated up to 50,  
23 which at 8,000 trips per day was viewed insignificant.

24                   Those were the items that were addressed to  
25 us.

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1                   BOARD MEMBER JONES: Mr. Chairman.

2                   Mr. Hardy, would you explain in a little  
3 more detail why you don't do windrows in the desert and  
4 why you do a static pile?

5                   MR. HARDY: Sure.

6                   BOARD MEMBER JONES: Just talk about water  
7 or odors.

8                   MR. HARDY: As you all are familiar, we  
9 have a facility in Thermal, California which periodically  
10 gets listed in the nation as one of the hottest places in  
11 the country. It's the first time any type of large scale  
12 dry climate weather desert composting was attempted. The  
13 problem with the windrow system -- because the facility  
14 has been there for five years -- is that we have enormous  
15 evaporation rate.

16                   Just to give you an example, we'll lose 40  
17 percent of the moisture in a standard windrow. This  
18 creates a number of problems -- one, trying to get the  
19 water to the material creates ponding; two, with it drying  
20 out it creates a problem for spontaneous combustion; and  
21 three, because of this constant having to move with it, it  
22 creates odors. So we developed the static pile method  
23 which primarily was designed to control and seal in the  
24 moisture and reduce the spontaneous -- potential for  
25 spontaneous combustion. And most importantly, instead of

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1 consuming three times as much water, we've reduced that by  
2 a multiplier of three.

3 Those are the reasons, and because we slow  
4 the process down we don't have odor problems.

5 CHAIRMAN EATON: All right. Ms. Nauman.

6 MS. NAUMAN: Mr. Chairman, just a closing  
7 comment.

8 CHAIRMAN EATON: Thank you.

9 (Laughter)

10 MS. NAUMAN: I don't think -- staff does  
11 not have a problem with this project and I don't want any  
12 of the testimony that's been given today or any of the  
13 comments that staff has made to in any way suggest to the  
14 Board that we don't think Mr. Hardy has a good project  
15 here. We all support composting facilities.

16 To Mr. Jones's point, what this is really  
17 about is the integrity of the process. I know that may  
18 sound bureaucratic, but we do have a partnership with the  
19 LEAs and we have a commitment to each other to adhere to  
20 processes that provide ample opportunity for all  
21 interested parties to be able to participate in the  
22 process, and that's where we have the problem.

23 It's well and good that the LEA feels that  
24 they were informed, that they knew of the changes in the  
25 project, but the fact remains that this Board as a

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1 responsible state agency had an absolute right under CEQA  
2 to be notified of changes in the project. We participated  
3 in the process by trying to -- by submitting comments that  
4 were not responded to, and it wasn't until much later  
5 after the project had already been approved locally with a  
6 revised document that we became aware of it.

7                   So that is really what is at issue here and  
8 why staff felt compelled to bring this issue forward to  
9 you. Obviously it is within your discretion to approve  
10 this permit without any further recirculation, but we feel  
11 that it's our responsibility to raise these issues to you  
12 for the sake of the process.

13                   CHAIRMAN EATON: Fair enough. Any other  
14 closing comments? Okay.

15                   There's a motion before us. Mr. Roberti is  
16 already on the roll.

17                   BOARD SECRETARY: Board Members Jones.

18                   BOARD MEMBER JONES: No.

19                   BOARD SECRETARY: Moulton-Patterson.

20                   BOARD MEMBER MOULTON-PATTERSON: Yes.

21                   BOARD SECRETARY: Pennington.

22                   BOARD MEMBER PENNINGTON: Yes.

23                   BOARD SECRETARY: Chairman Eaton.

24                   CHAIRMAN EATON: Yes.

25                   All right. Now, I've been referring to

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1 Item 3 right after Item 30 all day. It's actually Item 2,  
2 but before we begin, the court reporter I'm sure needs a  
3 break. We have a closed session that shouldn't be -- how  
4 long, Mr. Chandler?

5 MR. CHANDLER: The issues with the Attorney  
6 General, I believe, would take no more than 20 minutes.  
7 Ms. Tobias has one issue and it would be your discretion  
8 if you want to take that up tonight.

9 CHAIRMAN EATON: We can utilize that time  
10 as a break for the court reporter and others?

11 MR. CHANDLER: That would be fine.

12 CHAIRMAN EATON: But I do want to speak to  
13 our Local Assistance guests to provide them some local  
14 assistance because I know some of you have traveled a  
15 great deal of distance here, that it would be my intention  
16 that once we come back to resolve that Item 2 very  
17 quickly. And if Ms. Nauman would be so gracious as to  
18 allow -- how long do you think it will take for the  
19 remaining two permits? Is there any -- it's the Mariposa  
20 as well as the Imperial County items.

21 MS. NAUMAN: I don't expect those to take  
22 long.

23 CHAIRMAN EATON: Okay. Perhaps we can  
24 finish you out for the evening, and then what we will do  
25 is we will immediately go into the Local Assistance items

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1 with those items wherein there is a representative, either  
2 a consultant, city staff, mayor or hauler, whatever there  
3 may be, in that order so that we can get you out of here  
4 and get you on the airplanes and whatever else means of  
5 transportation, and then we will go back in regular order.  
6 You didn't wait here all day in vain, but we will get you  
7 out of here and home and get you back to your respective  
8 jurisdictions due to some longer-than-expected testimony.  
9 So if we can just -- the Board will go into closed session  
10 and we'll stand in recess until we come out.

11 (Closed session held)

12 (Brief recess taken)

13 CHAIRMAN EATON: We'll be back in session.  
14 If everyone would kind of take their seats, we'll get  
15 started.

16 I will ask were there any ex parte  
17 communications. Mr. Pennington.

18 BOARD MEMBER PENNINGTON: No, Mr. Chairman.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: No.

21 CHAIRMAN EATON: Ms. Moulton-Patterson.

22 BOARD MEMBER MOULTON-PATTERSON: No.

23 CHAIRMAN EATON: We just talked among  
24 ourselves in closed session. That's good.

25 All right. As I've been referring -- and I

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1 will state once again for the record, I've been referring  
2 to after Item Number 30 that we would take up Item Number  
3 3, but it was really Item Number 2. So we're going to  
4 take up Item Number 2 now.

5 Mr. Orr, welcome back.

6 MR. ORR: Thank you, Mr. Chairman. I just  
7 wanted, before we begin the presentation of the item, to  
8 indicate that in light of the action that the Board took  
9 on the previous item, Item Number 30, we've handed out  
10 copies of a revised resolution for this item, Item 2, to  
11 the Board Members for their consideration as part of the  
12 staff recommendation.

13 Barbara VanGee will be making the  
14 presentation of the item for a loan to Cal Bio-Mass from  
15 the recycling market development zone loan program.

16 MS. VAN GEE: This agenda item presents for  
17 approval the California Bio-Mass application to the  
18 revolving market development zone revolving loan program  
19 in the amount of \$1,306,950. This is a reduced amount in  
20 view of the outcome of Agenda Item Number 30.

21 This project will be used to fund two  
22 projects, one located in San Bernardino which is in the  
23 Aqua Manza Zone, and the other is their Thermal location  
24 which is located in Riverside County zone. The third,  
25 Victorville, will be presented in a new agenda item if and

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1 when California Bio-Mass receives approval for that  
2 permit.

3 The company -- the applicant converts green  
4 waste, food waste, wood waste and drywall into compost.  
5 The loan proceeds will be used to purchase real estate,  
6 equipment, fund working capital, and refinance onerous  
7 debt.

8 The loan committee met on February 10th,  
9 2000 and approved the loan as presented. Staff recommends  
10 that the Board approve the loan contained in Resolution  
11 2000-76 revised to California Bio-Mass, Inc. in the amount  
12 of \$1,306,950.

13 And Dave Hardy, who is the owner of the  
14 company, is in the audience and available to answer any  
15 questions.

16 CHAIRMAN EATON: Any questions of staff?

17 BOARD MEMBER JONES: I have a question.

18 If -- so you're saying that we're only going to fund part  
19 of it and if he gets his permit he'll fund the rest of  
20 it?

21 MS. VAN GEE: We will come back and request  
22 Board approval for the Victorville site.

23 BOARD MEMBER JONES: Is he going to have to  
24 pay points and everything on that, different points?

25 MS. VAN GEE: No.

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1                   BOARD MEMBER JONES: Additional points?

2                   MS. VAN GEE: No. The points is on the

3 total amount.

4                   BOARD MEMBER PENNINGTON: Mr. Chairman.

5                   CHAIRMAN EATON: Mr. Pennington.

6                   BOARD MEMBER PENNINGTON: I'll move

7 adoption of Resolution 2000-76 revised to approve the loan

8 in the amount of \$1,300,000. Is that correct?

9                   MS. VAN GEE: \$1,306,950.

10                  BOARD MEMBER PENNINGTON: From the

11 recycling market development revolving loan program to

12 California Bio-Mass, Inc.

13                  CHAIRMAN EATON: All right.

14                  BOARD MEMBER JONES: I'll second it.

15                  CHAIRMAN EATON: All right. Mr. Pennington

16 moves and Mr. Jones seconds that we adopt Resolution

17 2000-76 revised.

18                  Madam Secretary, please call the roll.

19                  BOARD SECRETARY: Board Members Jones.

20                  BOARD MEMBER JONES: Aye.

21                  BOARD SECRETARY: Moulton-Patterson.

22                  BOARD MEMBER MOULTON-PATTERSON: Aye.

23                  BOARD SECRETARY: Pennington.

24                  BOARD MEMBER PENNINGTON: Aye.

25                  BOARD SECRETARY: Roberti.

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1 Chairman Eaton.

2 CHAIRMAN EATON: Aye.

3 And as per agreement, if we can keep the  
4 roll open should Mr. Roberti be able to return from his  
5 engagement. Otherwise we'll keep it open for tomorrow and  
6 he can add on.

7 All right. Item Number 31 was on consent,  
8 Item Number 32. And also it would be helpful for those  
9 individuals from local government with items coming up, we  
10 have a number of speaker slips but I do not have speaker  
11 slips for all of the people that say they are present but  
12 want to speak. So either you don't want to speak or  
13 whatever. Just so we can get an idea as we move through  
14 so that we can get you on your way as soon as we can.

15 Item Number 32.

16 MS. NAUMAN: Thank you, Mr. Chairman and  
17 Members. Julie Nauman, Deputy Director, Permitting and  
18 Enforcement.

19 Item 32 is consideration of a revised solid  
20 waste facility permit for Republic Imperial landfill in  
21 Imperial County. This will be presented by Brad Penick.

22 MR. PENICK: Good evening. My name is Brad  
23 Penick of the Permitting and Inspection Branch.

24 The Republic Imperial landfill is owned by  
25 the Republic Imperial Acquisition Corporation and is

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1 located at 104 East Robinson Road in Imperial. The  
2 landfill is operating under the permit issued in November  
3 1997, and the proposed permit before the Board contains  
4 the following changes:

5                   The hours of operation of the landfill  
6 would extend from the currently permitted 6:00 a.m. to  
7 5:00 p.m. to 4:30 a.m. to 7:00 p.m., and if you'll notice  
8 in your agenda item and the resolution, it's misstated due  
9 to my error. So before you adopt, we need to change that  
10 to 7:00 p.m. I believe it says 5:00 p.m.

11                   The landfill would also be allowed to  
12 accept out-of-county waste from Borrego Springs located in  
13 San Diego County. The maximum allowed from this source  
14 would be 136 tons per month or 5.66 tons per day.

15                   Lastly, the proposed revision will allow  
16 the use of a geomembrane system or a tarp and green waste  
17 as alternative daily cover.

18                   Staff was able to make all of the required  
19 findings. And in closing, staff recommends that the Board  
20 adopt Resolution Number 2000-108, concurring in the  
21 issuance of Solid Waste Facility Permit Number 13-AA-0019  
22 for the Republic Imperial landfill.

23                   Mr. Joe Quick of the LEA is here to answer  
24 any questions if you have any.

25                   CHAIRMAN EATON: Any questions of the staff

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1 or the LEA?

2 BOARD MEMBER JONES: Mr. Chairman.

3 CHAIRMAN EATON: Mr. Jones.

4 BOARD MEMBER JONES: Under the conditions  
5 of "17-r" it shows an average and the daily peak. I want  
6 to know which one is going to be enforced. If he brings  
7 in the peak every day, is he in violation or she or it or  
8 them?

9 MR. QUICK: Chairman Eaton, Member Jones,  
10 the peak that is quoted there is for particular days, but  
11 at the end of the year the daily average is what is  
12 counted, that figure put out.

13 BOARD MEMBER JONES: So if they ran at 530  
14 tons for most of the year and the average came out to  
15 somewhere around 353, they're not in violation.

16 MR. QUICK: They could be, yes.

17 BOARD MEMBER JONES: The problem that I  
18 have is that we have a standard and the standard should be  
19 the daily peak, has always been my view. Everything I've  
20 read under the LEA advisories that have gone out indicate  
21 the same thing, and I'm just wondering because I don't  
22 want to see you get in trouble or the operator get in  
23 trouble if they go over 353 and had 530 for some period of  
24 time.

25 MR. QUICK: We will assure the Board and

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1 the operator that it is the peak daily that we'll be  
2 concerned with.

3 BOARD MEMBER JONES: Thank you.

4 CHAIRMAN EATON: All right.

5 Ms. Moulton-Patterson.

6 BOARD MEMBER MOULTON-PATTERSON: I just had  
7 one quick question. I see there's five residences that  
8 are within a thousand feet. I'm assuming they've been  
9 noticed about the change because I'm a little concerned  
10 about 4:30 in the morning, the noise.

11 MR. QUICK: All of the residents probably  
12 within a mile of that facility were notified under the  
13 CEQA process.

14 BOARD MEMBER MOULTON-PATTERSON: And you  
15 have had no --

16 MR. QUICK: We have had no comments.

17 BOARD MEMBER MOULTON-PATTERSON: Thank you  
18 very much.

19 BOARD MEMBER JONES: Mr. Chairman.

20 CHAIRMAN EATON: Mr. Jones.

21 BOARD MEMBER JONES: I'll move adoption of  
22 Resolution Number 2000-108 to include 4:30 a.m. to 7:00  
23 p.m.

24 CHAIRMAN EATON: So in other words, it  
25 would be revised to reflect in the first "whereas" 7:00

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1 p.m.

2 BOARD MEMBER JONES: Yes.

3 CHAIRMAN EATON: Is there any other place

4 that needs to be put in with regard to the resolution?

5 No. Okay.

6 BOARD MEMBER JONES: Okay. I move the  
7 adoption of Resolution 2000-108 with the appropriate  
8 findings to indicate that the Board has found the proposed  
9 permit to be consistent with CEQA, in conformance with the  
10 County Integrated Waste Management Plan, meets all local  
11 and state permit requirements, and is consistent with  
12 state minimum standards.

13 CHAIRMAN EATON: And I'll second the  
14 motion. So Mr. Jones moves and Mr. Pennington seconds --  
15 Mr. Eaton seconds -- Dan, Dan. What can I say? Mr. Jones  
16 moves and Mr. Eaton seconds that we adopt Resolution  
17 2000-108 as revised to put in the correct time of 7:00  
18 p.m. with all the appropriate findings.

19 Madam Secretary, please call the roll.

20 BOARD SECRETARY: Board Members Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 BOARD MEMBER MOULTON-PATTERSON: Aye.

24 BOARD SECRETARY: Pennington.

25 BOARD MEMBER PENNINGTON: Aye.

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1 BOARD SECRETARY: Roberti.

2 Chairman Eaton.

3 CHAIRMAN EATON: Aye.

4 Item Number 33, the last in the Permits  
5 section.

6 MS. NAUMAN: Mr. Chairman and Members, Item  
7 33 is consideration of a revised solid waste facility  
8 permit for the Mariposa County landfill in Mariposa  
9 County. Mark DeBie will be making the presentation.

10 MR. DE BIE: Good evening. Mark DeBie with  
11 the Permitting and Inspection Branch, and across from me  
12 is Brian Hodge representing the Mariposa County LEA.

13 This is Agenda Item 33 for a revised permit  
14 for the Mariposa County landfill facilities owned by  
15 Mariposa County Public Works Department and the daily  
16 operations are contracted to Total Waste Systems, Inc.

17 A summary of the changes that this permit  
18 covers is an increase in tonnage from 60 tons per day to  
19 100 tons per day. There's a change in hours from 9:00  
20 a.m. to 6:00 p.m. six days a week for the public and seven  
21 days a week for the commercial haulers to the change of  
22 7:00 a.m. to 5:00 p.m. seven days a week. This permit  
23 will also allow import of cover.

24 Additionally, the proposed permit would  
25 better define the parameters of the operations as they

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1 exist in the 1991 permit to -- which is too broad and does  
2 not comply with the intent of AB 1220 or Subtitle D. So  
3 there's a number of improvements in the permit to reflect  
4 recent statute and regulatory changes.

5                   There's one correction to the item and that  
6 is that Mr. Michael Edwards has been reassigned as -- or  
7 has resigned as the Director of Public Works and the new  
8 Director is, and forgive me on the name, Mr. Jim  
9 Petropolis.

10                   When the item went to print, there were  
11 several outstanding issues, so let me quickly run through  
12 those. Staff have completed the review and analysis of  
13 the RDSI and find that it is complete and has been  
14 certified by the LEA. Staff did an inspection on February  
15 9th and found no violations of state minimum standards.

16                   The staff of the Local Assistance Office,  
17 Office of Local Assistance, is unable to make the  
18 conformance finding as the facility description is not  
19 consistent with the siting element in that the siting  
20 element states that a maximum permitted daily tonnage is  
21 60 tons per day during the peak loading period from  
22 Memorial Day through Labor Day. Our Office of Local  
23 Assistance staff do find that the County will continue to  
24 maintain 15 years of capacity. Consequently, this is one  
25 of those situations where the Board needs to make the

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1 determination of whether or not the proposed permit is  
2 consistent with the County Integrated Waste Management  
3 Plan for Mariposa County.

4                   The only other issue of concern deals with  
5 financial assurances, so let me run through that in some  
6 detail. As indicated in the agenda item, there is an  
7 outstanding issue on financial assurance fund that the  
8 Board will need to consider. This is a new issue for the  
9 Board and, therefore, staff has developed a three-part  
10 recommendation.

11                   The issue for the financial assurance is  
12 that pursuant to 44009, one of the Board's required  
13 findings for consideration of a proposed permit is that  
14 the permit be consistent with financial assurance  
15 requirements as found in PRC Section 43600 which states  
16 that the owner and operator of a solid waste disposal  
17 facility must provide evidence to the Board of their  
18 financial ability to pay for costs of closure and  
19 post-closure maintenance. In the case of Mariposa, they  
20 have had difficulty in funding and maintaining a good  
21 financial assurance mechanism.

22                   In 8-96, the Board staff issued a notice of  
23 violation for the financial fund deficiency. Later,  
24 Mariposa County Board of Supervisors decided on their own  
25 to -- decided on their own to enter into a stipulated

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1 agreement with the Board which included a compliance  
2 schedule. In February of '97, the -- Mariposa County and  
3 the Board entered into a stipulated compliance order to  
4 address the \$57,000-plus deficiency. It was agreed that  
5 the County would continue to make the required annual  
6 deposit along with an additional \$6,000 for the arrears  
7 for four years with the remaining deficiency payable in  
8 the fifth year, which is March 2001.

9                   The County is currently in full compliance  
10 with the stips. Our thanks to the efforts of Nancy  
11 Jestreby from the Board's Financial Assurance Section.  
12 With her help we've also received documentation that the  
13 County made this year's deposit of \$43,926 which includes  
14 the \$6,000 arrear payment early. They made that payment  
15 on February 17th. It wasn't due until March. This leaves  
16 a deficiency of \$6,179 which will be due on March 12th,  
17 2001. At that time the arrears issue will be resolved.

18                   I'll now present the staff's recommendation  
19 which I mentioned earlier is in three parts. Part one of  
20 staff's recommendation is that if the Board accepts the  
21 following as constituting consistency with the financial  
22 requirements found in PRC Section 43600, one is that  
23 Mariposa landfill poses no immediate threat to the public  
24 health, safety or the environment. Mariposa County  
25 entered into a stipulated compliance order with the Board

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1 in 1997 which includes a compliance schedule for making up  
2 the current financial assurance fund deficit, and Mariposa  
3 County has shown a good faith effort to comply with the  
4 statutory requirements and is currently in compliance with  
5 the stip. I think by evidence of making an early payment  
6 is further evidence of that good faith effort.

7                   The second finding is that the Board find  
8 that the proposed permit is consistent with the intent of  
9 the County Integrated Waste Management Plan. If the Board  
10 is able to make those two findings, then staff is prepared  
11 to recommend that the Board concur on the issuance of  
12 Solid Waste Facility Permit Number 22-AA-0001.

13                   There is a third recommendation that staff  
14 has presented and that is that the Board's action not --  
15 relative to this permit not create a precedent.

16                   This concludes staff presentation. As I  
17 indicated, Brian Hodge is here with Mariposa County Health  
18 Department. And it's my understanding that Tom Starling  
19 is in the audience representing the Public Works  
20 Department and also Jim Greco, a consultant with the  
21 owner-operator, is in the audience.

22                   That concludes staff's presentation.

23                   CHAIRMAN EATON: Any questions?

24                   BOARD MEMBER JONES: Mr. Chairman.

25                   CHAIRMAN EATON: Mr. Jones.

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248

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1                   BOARD MEMBER JONES: I want to move  
2 adoption of this resolution. I just -- I think that the  
3 stipulated order is consistent with how we deal with  
4 long-term gas violations. It also allows the Board if the  
5 funding is not in place that we can take an action to  
6 actually revoke the permit based on a stipulated order  
7 where they could operate under a notice and order from an  
8 LEA and basically do whatever they wanted. So I think it  
9 makes sense. It seems like it should be precedent because  
10 it's a manageable way to get people into compliance.

11                   On that, if Mr. Pennington will share that  
12 page with me, I want to move adoption of Resolution Number  
13 2000-109 with the appropriate findings to indicate that  
14 the Board has found the proposed permit to be consistent  
15 with CEQA, in conformance with the intent of the County  
16 Integrated Waste Management Plan, meets all local and  
17 state permit requirements and is consistent with state  
18 minimum standards and, therefore, concurs with the  
19 proposed permit.

20                   BOARD MEMBER PENNINGTON: Second.

21                   CHAIRMAN EATON: Not so fast, gentlemen.  
22 We've got to also do the picking out in the resolution  
23 between the "does" and "does-nots."

24                   BOARD MEMBER PENNINGTON: I thought we did  
25 that, what he just read.

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1 BOARD MEMBER JONES: What I just read.

2 CHAIRMAN EATON: Pose no immediate threat  
3 to the environment? Did I hear that? All right.

4 BOARD MEMBER JONES: Yes, but thank you.

5 CHAIRMAN EATON: Been that kind of day.  
6 All right. Any other questions?

7 Madam Secretary, please call the roll.

8 BOARD SECRETARY: Board Members Jones.

9 BOARD MEMBER JONES: Aye.

10 BOARD SECRETARY: Moulton-Patterson.

11 BOARD MEMBER MOULTON-PATTERSON: Aye.

12 BOARD SECRETARY: Pennington.

13 BOARD MEMBER PENNINGTON: Aye.

14 BOARD SECRETARY: Roberti.

15 Chairman Eaton.

16 CHAIRMAN EATON: Aye. Hold that one open.  
17 Okay.

18 That completes your section. Thank you,  
19 everyone, for a long day. Item Number 34 has been taken  
20 up with the consent calendar as have Items 35, 36, 37, 38,  
21 and 39.

22 Before we begin the Local Planning, as I  
23 mentioned before we broke for our closed session, I'm  
24 going to read off an item, and if someone's here that's  
25 got to go, we'll take that up in order. If they're not

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1 here, we're going to go to the next one. Is anyone here  
2 with regard to Item Number 40 in Mono County? No.

3 Item 41. Anyone here regarding the  
4 Montebello item?

5 Item Number 41.

6 MR. SCHIAVO: Okay.

7 CHAIRMAN EATON: Kind of like a fish  
8 market; isn't it? Throw it out there.

9 MR. SCHIAVO: Pat Schiavo with the  
10 Diversion, Planning and Local Assistance Division.

11 Item 41 is consideration of the City of  
12 Montebello's request for an extension to a compliance  
13 order due date for Los Angeles County, and staff recommend  
14 approval of Montebello's request for an extension from  
15 April 3rd, 2000 to June 5th, 2000 for completion of a new  
16 waste generation study.

17 That concludes my presentation.

18 BOARD MEMBER PENNINGTON: Mr. Chairman.

19 CHAIRMAN EATON: Mr. Pennington.

20 BOARD MEMBER PENNINGTON: I'll move  
21 adoption of Resolution 2000-94 to approve the extension of  
22 the due date for complying a new waste generation study to  
23 be June 5, 2000.

24 BOARD MEMBER JONES: I'll second.

25 CHAIRMAN EATON: Madam Secretary, please

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1 call the roll.

2 BOARD SECRETARY: Board Members Jones.

3 BOARD MEMBER JONES: Aye.

4 BOARD SECRETARY: Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: Aye.

6 BOARD SECRETARY: Pennington.

7 BOARD MEMBER PENNINGTON: Aye.

8 BOARD SECRETARY: Roberti.

9 Chairman Eaton.

10 CHAIRMAN EATON: Aye. Thank you very,

11 very much and apologize for the lateness. All right.

12 Anyone here from Hawaiian Gardens?

13 MR. SCHIAVO: Yes.

14 CHAIRMAN EATON: All right. Item Number

15 42.

16 MR. SCHIAVO: Consideration of staff

17 recommendation for completion of compliance order for the

18 City of Hawaiian Gardens, Los Angeles County, and staff

19 recommends that the Board end the compliance order for the

20 City of Hawaiian Gardens and find they have satisfied all

21 the requirements.

22 BOARD MEMBER JONES: Mr. Chairman.

23 CHAIRMAN EATON: Mr. Jones.

24 BOARD MEMBER JONES: I want to move

25 adoption of Resolution 2000-102. I want to congratulate

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1 the city manager who was the sixth, I think, in four  
2 years, who committed to us that he would do these things,  
3 as did Mr. Alt. They did them. You're off the compliance  
4 order which meant we kept our part of the bargain that you  
5 were in and out, if it passes. Who knows.

6 (Laughter)

7 BOARD MEMBER JONES: I want to move  
8 adoption of Resolution Number 2000-102, consideration of  
9 staff recommendation regarding the completion of  
10 Compliance Order Number IWMA BR98-002 for the City of  
11 Hawaiian Gardens, L.A. County. And congratulations.

12 BOARD MEMBER MOULTON-PATTERSON: Second.

13 CHAIRMAN EATON: Mr. Jones moves and  
14 Ms. Moulton-Patterson seconds that we adopt Resolution  
15 2000-102.

16 Madam Secretary, would you please call the  
17 roll.

18 BOARD SECRETARY: Board Members Jones.

19 BOARD MEMBER JONES: Aye.

20 BOARD SECRETARY: Moulton-Patterson.

21 BOARD MEMBER MOULTON-PATTERSON: Aye.

22 BOARD SECRETARY: Pennington.

23 BOARD MEMBER PENNINGTON: Aye.

24 BOARD SECRETARY: Roberti.

25 Chairman Eaton.

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1 CHAIRMAN EATON: Aye.

2 Okay. Anyone here from the City of  
3 Coachella, Riverside County? Item Number 43.

4 MR. SCHIAVO: This is consideration of  
5 staff recommendation regarding completion of compliance  
6 order and consideration of the 1995-1996 biennial review  
7 findings for the Source Reduction and Recycling Element  
8 and Household Hazardous Waste Element for the City of  
9 Coachella, Riverside County, and staff recommends end of  
10 the compliance order and accept the 1995-1996 biennial  
11 review findings for the City of Coachella.

12 That concludes my presentation.

13 CHAIRMAN EATON: Okay. Any questions?

14 BOARD MEMBER PENNINGTON: Mr. Chairman.

15 CHAIRMAN EATON: Mr. Pennington.

16 BOARD MEMBER PENNINGTON: I'll move  
17 adoption of Resolution 2000-66 to find that the City of  
18 Coachella has completed Compliance Order IWMA BR98-003,  
19 has successfully implemented its Source Reduction and  
20 Recycling Element, Household Hazardous Waste Element, and  
21 is no longer subject to potential administrative penalties  
22 from the biennial review years of 1995 and '96.

23 BOARD MEMBER JONES: I second.

24 CHAIRMAN EATON: All right. Mr. Pennington  
25 moves and Mr. Jones seconds that we adopt Resolution

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1 2000-66.

2 Madam Secretary.

3 BOARD SECRETARY: Board Members Jones.

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY: Moulton-Patterson.

6 BOARD MEMBER MOULTON-PATTERSON: Aye.

7 BOARD SECRETARY: Pennington.

8 BOARD MEMBER PENNINGTON: Aye.

9 BOARD SECRETARY: Roberti.

10 Chairman Eaton.

11 CHAIRMAN EATON: Aye. All right. Moving

12 behind the orange curtain, Item Number 44. Anyone here

13 from City of San Clemente, Orange County?

14 MR. SCHIAVO: Yes.

15 CHAIRMAN EATON: Yes. All right. Then

16 we'll take that up.

17 Item Number 44.

18 MR. SCHIAVO: Item 44 is consideration of

19 staff recommendation to change the base year to 1998 for

20 the previously approved Source Reduction and Recycling

21 Element and consideration of staff recommendation

22 regarding completion of the compliance order for the City

23 of San Clemente, Orange County.

24 Staff recommend that the Board adopt the

25 recommendation to change the base year to 1998 and end the

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1 compliance order for this city.

2 That concludes my presentation.

3 CHAIRMAN EATON: All right. Any questions?

4 Hearing none, Ms. Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: I'd like  
6 to move to approve Resolution Number 2000-95 to change the  
7 base year to 1998 for the previously approved Source  
8 Reduction and Recycling Element and consideration of staff  
9 recommendation regarding completion of Compliance Order  
10 IWMA BR99-36 for the City of San Clemente, Orange County.

11 CHAIRMAN EATON: Mr. Pennington?

12 BOARD MEMBER PENNINGTON: Second.

13 CHAIRMAN EATON: I thought so.

14 (Laughter)

15 CHAIRMAN EATON: Ms. Moulton-Patterson  
16 moves and Mr. Pennington seconds that we adopt Resolution  
17 2000-95.

18 Madam Secretary, would you please call the  
19 roll.

20 BOARD SECRETARY: Board Members Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 BOARD MEMBER MOULTON-PATTERSON: Aye.

24 BOARD SECRETARY: Pennington.

25 BOARD MEMBER PENNINGTON: Aye.

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1 BOARD SECRETARY: Roberti.

2 Chairman Eaton.

3 CHAIRMAN EATON: Aye.

4 Okay. Anyone here from the City of

5 Stanton? Hearing none, we'll come back to that. Item

6 Number 46 was on consent. Item Number 47 from San Luis

7 Obispo.

8 Yes. Item Number 47.

9 MR. SCHIAVO: Okay. Consideration of staff

10 recommendation regarding establishing a 1998 base year for

11 the San Luis Obispo County Integrated Waste Management

12 Regional Authority Agency and consideration of staff

13 recommendation regarding completion of compliance order

14 for the unincorporated area of San Luis Obispo.

15 Staff recommends that the Board approve the

16 1995-1996 biennial review results for the cities of Arroyo

17 Grande, Atascadero, Grover Beach, Morro Bay, Pismo Beach

18 and San Luis Obispo, now members of the Regional Agency as

19 a result of action taken today.

20 That concludes my presentation. This is a

21 two-resolution item.

22 BOARD MEMBER PENNINGTON: Mr. Chairman.

23 CHAIRMAN EATON: Mr. Pennington.

24 BOARD MEMBER PENNINGTON: First I'll move

25 adoption of Resolution 2000-73 to approve the

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1 establishment of a 1998 base year for the San Luis Obispo  
2 County Integrated Waste Management Authority Regional  
3 Agency.

4 BOARD MEMBER JONES: I'll second.

5 CHAIRMAN EATON: All right. Mr. Pennington  
6 moves and Mr. Jones seconds that we adopt Resolution  
7 2000-73.

8 Madam Secretary, please call the roll.

9 BOARD SECRETARY: Board Members Jones.

10 BOARD MEMBER JONES: Aye.

11 BOARD SECRETARY: Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: Aye.

13 BOARD SECRETARY: Pennington.

14 BOARD MEMBER PENNINGTON: Aye.

15 BOARD SECRETARY: Roberti.

16 Chairman Eaton.

17 CHAIRMAN EATON: Aye.

18 BOARD MEMBER PENNINGTON: Mr. Chairman,  
19 I'll move adoption of Resolution 2000-74 to find that the  
20 unincorporated area of San Luis Obispo County has  
21 completed Compliance Order IWMA BR99-51 and is no longer  
22 subject to the potential administrative penalties for the  
23 biennial review years of 1995 and '96.

24 BOARD MEMBER JONES: I'll second.

25 CHAIRMAN EATON: All right.

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1                   Madam Secretary, please call the roll.

2                   BOARD SECRETARY: Board Members Jones.

3                   BOARD MEMBER JONES: Aye.

4                   BOARD SECRETARY: Moulton-Patterson.

5                   BOARD MEMBER MOULTON-PATTERSON: Aye.

6                   BOARD SECRETARY: Pennington.

7                   BOARD MEMBER PENNINGTON: Aye.

8                   BOARD SECRETARY: Roberti.

9                   Chairman Eaton.

10                  CHAIRMAN EATON: Aye.

11                  BOARD MEMBER JONES: Mr. Chairman.

12                  CHAIRMAN EATON: Mr. Cupps, we kept our

13 word.

14                  BOARD MEMBER JONES: Mr. Chairman, one

15 second. As we're going through these things on the base

16 year adjustment for San Luis Obispo, just to point it out

17 to the Board Members. Disposal in 1990, which went across

18 scales, 227,000 tons, today it's 206,000 tons, ten years

19 later. That is important to understand that this stuff is

20 working. And I know we know it, but I wanted to get it on

21 the record.

22                  (Laughter)

23                  CHAIRMAN EATON: Absolutely. Mr. Cupps got

24 that calculator. He did miracles. Absolutely. All

25 right.

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1                   Item Number 48. Anyone here from Item

2                   Number 48. Yes? It's a go.

3                   MR. SCHIAVO: It's a go. Consideration of  
4                   staff recommendation to change the base year to 1998 for  
5                   the previously approved Source Reduction and Recycling  
6                   Element and consideration of staff recommendation on the  
7                   1997-98 biennial review findings for the Source Reduction  
8                   and Recycling Element and Household Hazardous Waste  
9                   Element for the City of Oxnard, Ventura County.

10                  Staff recommends approval -- that the Board  
11                  adopt staff recommendation to change the base year and  
12                  accept the 1997-98 biennial review findings for this city.

13                  That concludes my presentation.

14                  BOARD MEMBER PENNINGTON: Mr. Chairman,  
15                  I'll move adoption of Resolution 2000-98 to approve the  
16                  new base year of 1998 and accept the staff findings on the  
17                  1997-1998 biennial review findings for the City of Oxnard.

18                  BOARD MEMBER JONES: I'll second.

19                  CHAIRMAN EATON: Is this the item that  
20                  deals with the --

21                  MR. SCHIAVO: Yes, it is.

22                  CHAIRMAN EATON: -- source reduction?  
23                  Okay. Just before we vote, not that the item won't be  
24                  supported, but Members, this is a critical issue as we  
25                  look at these. We went from -- what was the percentage

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1 under the new calculation?

2 MR. SCHIAVO: I believe 1995 was 25 percent  
3 and 1998 is 60-plus percent.

4 CHAIRMAN EATON: And it's a result of a  
5 mathematical formula, and I think it's very important  
6 that -- it's a different method that was approved by the  
7 Board back in '97; is that correct?

8 MR. SCHIAVO: Right. Yes.

9 CHAIRMAN EATON: But I just want to  
10 forewarn out there, at least from this Member's  
11 perspective, that I'm going to be watching this closely  
12 because if you take this method and you try to -- it's  
13 like comparing apples and oranges with the statewide  
14 diversion. You're probably going to come up with a  
15 diversion of 150 percent, which is not the case taking  
16 place in the state. So somehow, some way we're going to  
17 have to reconcile when this different method takes place  
18 as it relates to our standard diversion which, you know,  
19 we've been counting as 31, 32 percent statewide because it  
20 is a different kind of quantification. I see Mr. Jones  
21 nodding his head.

22 BOARD MEMBER JONES: I agree with you.  
23 You're right on, and one of the things that I always worry  
24 about with these is how do the numbers work. The one  
25 question that asked that I didn't get a response to is how

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1 many square miles is the City of Oxnard?

2 MR. SCHIAVO: It's 24 square miles.

3 BOARD MEMBER JONES: 63 percent ag and  
4 industrial, 37 percent residential. When I looked at the  
5 wastestream around 203,000 tons divided by 156,000 people,  
6 we were at about seven pounds per person per day, which is  
7 right in the -- right in the right realm. It's that  
8 agriculture waste, and we're going to see this when we see  
9 communities that have five, six acres of lawn that bring  
10 it out, that they're going to go up to 12, 14, 15,  
11 depending on the lawn.

12 This is consistent and I'm glad that the  
13 Chairman brought it up because we are moving through these  
14 quickly and I hate to be the one that always stops these  
15 processes, but consultants should not walk out of here  
16 thinking, "Okay. They gave 333,000 tons of source  
17 reduction that will get us up to 66 percent." The numbers  
18 work. If you look at the numbers for what's there, I have  
19 a comfort level. I think anybody that's watched us work  
20 knows that we do not have comfort levels with numbers that  
21 do not make sense, but it's seven pounds per person per  
22 day and I'm comfortable that that is an accurate  
23 indication of what's really going on in that jurisdiction,  
24 at least I sure hope so because we find out different, we  
25 still have to get through 2000.

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1                   CHAIRMAN EATON: Madam Secretary, please  
2 call the roll. I'm sorry. I thought we had a motion  
3 before us.

4                   Mr. Pennington moved and Mr. Jones seconded  
5 that we adopt Resolution 2000-98.

6                   Madam Secretary, please call the roll.

7                   BOARD SECRETARY: Board Members Jones.

8                   BOARD MEMBER JONES: Aye.

9                   BOARD SECRETARY: Moulton-Patterson.

10                  BOARD MEMBER MOULTON-PATTERSON: Aye.

11                  BOARD SECRETARY: Pennington.

12                  BOARD MEMBER PENNINGTON: Aye.

13                  BOARD SECRETARY: Roberti.

14                  Chairman Eaton.

15                  CHAIRMAN EATON: Aye.

16                  Okay. Anyone here from the City of San  
17 Buena Ventura?

18                  MR. SCHIAVO: Okay. This is consideration  
19 of staff recommendation to change the base year to 1998  
20 for the previously approved Source Reduction and Recycling  
21 Element and consideration of staff recommendation on the  
22 1997-98 biennial review findings for the Source Reduction  
23 and Recycling Element and Household Hazardous Waste  
24 Element for the City of San Buena Ventura, Ventura County.

25                  Staff recommends adoption of staff's

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1 recommendation to approve the City's new base year and  
2 accept the City's 1997-98 biennial review findings.

3 That concludes my presentation.

4 BOARD MEMBER JONES: Mr. Chairman.

5 CHAIRMAN EATON: Yes.

6 BOARD MEMBER JONES: This is another one  
7 where disposal went from 150,000 tons down to 130,000  
8 tons, 20,000-ton reduction over ten years in actual  
9 disposal. Obviously something is working.

10 You know what? I checked this thing as  
11 much as I could and I'm going to move adoption of  
12 Resolution 2000-99, consideration of staff recommendation  
13 to change the base year to 1998 and the rest.

14 BOARD MEMBER PENNINGTON: Second.

15 CHAIRMAN EATON: Mr. Jones moves and  
16 Mr. Pennington seconds that we adopt Resolution 2000-99.

17 Madam Secretary, please call the roll.

18 BOARD SECRETARY: Board Members Jones.

19 BOARD MEMBER JONES: Aye.

20 BOARD SECRETARY: Moulton-Patterson.

21 BOARD MEMBER MOULTON-PATTERSON: Aye.

22 BOARD SECRETARY: Pennington.

23 BOARD MEMBER PENNINGTON: Aye.

24 BOARD SECRETARY: Roberti.

25 Chairman Eaton.

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1 CHAIRMAN EATON: Aye.

2 Item Number 50. Anyone here from Anaheim,  
3 Brea, Fullerton, Garden Grove -- all right.

4 MR. SCHIAVO: Dave Alt is.

5 CHAIRMAN EATON: Mr. Alt. I should have  
6 seen that. Number 50.

7 MR. SCHIAVO: This is consideration of  
8 staff recommendation to correct the base year for the  
9 previously approved Source Reduction and Recycling Element  
10 and consideration of staff recommendations on the the  
11 1997-98 biennial review findings for the Source Reduction  
12 and Recycling Elements and Household Hazardous Waste  
13 Elements for the Cities of Anaheim, Brea, Fullerton,  
14 Garden Grove, Placentia, Villa Park and Yorba Linda, all  
15 in Orange County.

16 Staff recommends that the Board adopt the  
17 recommendation to approve the base year correction and  
18 accept the 1997-98 biennial review findings presented for  
19 the Cities of Anaheim, Brea, Fullerton, and the other  
20 Orange County cities that I previously mentioned.

21 That concludes my presentation.

22 CHAIRMAN EATON: Okay.

23 Ms. Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: Mr. Chair,  
25 I move approval of Resolution 2000-122 to correct the base

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1 year for the previously approved Source Reduction and  
2 Recycling Element for the Cities of Anaheim, Brea,  
3 Fullerton, Garden Grove, Placentia, Villa Park and Yorba  
4 Linda, Orange County.

5 BOARD MEMBER PENNINGTON: Second.

6 CHAIRMAN EATON: All right.

7 Ms. Moulton-Patterson moves and I think I  
8 heard Mr. Pennington second; is that correct?

9 BOARD MEMBER JONES: Absolutely.

10 BOARD MEMBER PENNINGTON: Yes, you did.

11 CHAIRMAN EATON: All right -- on Resolution  
12 2000-122.

13 Madam Secretary, will you please call the  
14 roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Aye.

19 BOARD SECRETARY: Pennington.

20 BOARD MEMBER PENNINGTON: Aye.

21 BOARD SECRETARY: Roberti.

22 Chairman Eaton.

23 CHAIRMAN EATON: Aye.

24 Item Number 51, I see that they're in the  
25 crowd.

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1                   MR. SCHIAVO: This is consideration of  
2 staff recommendation to correct a previously approved base  
3 year correction for the previously approved Source  
4 Reduction and Recycling Element for the Town of Danville,  
5 City of Lafayette, Town of Moraga, City of Orinda, and the  
6 City of Walnut Creek, all in Contra Costa County.

7                   Staff recommends approval of the base year  
8 corrections for these cities in Contra Costa County.

9                   CHAIRMAN EATON: Questions or anything?  
10 Will the letters stop now, Mr. Schiavo?

11                  MR. SCHIAVO: I hope.

12                  (Laughter)

13                  CHAIRMAN EATON: Mr. Pennington.

14                  BOARD MEMBER PENNINGTON: I'll move  
15 adoption of Resolution 2000-120 to approve the base year  
16 corrections for the Town of Danville, City of Lafayette,  
17 Town of Moraga, City of Orinda, and the City of Walnut  
18 Creek.

19                  CHAIRMAN EATON: And I'll second the  
20 motion.

21                  So Mr. Pennington moves and Mr. Eaton  
22 seconds that we adopt Resolution 2000 --

23                  BOARD MEMBER PENNINGTON: 120.

24                  CHAIRMAN EATON: 120.

25                  Madam Secretary, please call the roll.

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1 BOARD SECRETARY: Board Members Jones.  
2 BOARD MEMBER JONES: Aye.  
3 BOARD SECRETARY: Moulton-Patterson.  
4 BOARD MEMBER MOULTON-PATTERSON: Aye.  
5 BOARD SECRETARY: Pennington.  
6 BOARD MEMBER PENNINGTON: Aye.  
7 BOARD SECRETARY: Roberti.  
8 Chairman Eaton.  
9 CHAIRMAN EATON: Aye.  
10 Okay. Item Number 52, Hermosa Beach. Item  
11 Number 53; right?  
12 MR. SCHIAVO: 52.  
13 CHAIRMAN EATON: Someone is here from  
14 Hermosa Beach.  
15 MR. SCHIAVO: Consideration of staff  
16 recommendation to change the base year to 1998 for the  
17 previously approved Source Reduction and Recycling Element  
18 and consideration of staff recommendation on the 1997-98  
19 biennial review findings for the Source Reduction and  
20 Recycling Element and Household Hazardous Waste Element  
21 for the City of Hermosa Beach, Los Angeles County.  
22 Staff recommends that the Board adopt the  
23 staff recommendation to change the City of Hermosa Beach's  
24 base year to 1998 and accept the 1997-98 biennial review  
25 data presented for the City of Hermosa Beach.

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1 BOARD MEMBER JONES: Mr. Chairman.

2 CHAIRMAN EATON: Mr. Jones.

3 BOARD MEMBER JONES: I would like to move  
4 adoption of Resolution 2000-91, consideration of staff  
5 recommendation to change the base year to '98 for the  
6 previously approved and consider staff recommendation on  
7 the '97-'98 biennial review findings for the Source  
8 Reduction and Recycling Element and Household Hazardous  
9 Waste Element for the City of Hermosa Beach.

10 BOARD MEMBER MOULTON-PATTERSON: Second.

11 CHAIRMAN EATON: Mr. Jones moves and  
12 Ms. Moulton-Patterson seconds that we adopt Resolution  
13 2000-91.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Aye.

19 BOARD SECRETARY: Pennington.

20 BOARD MEMBER PENNINGTON: Aye.

21 BOARD SECRETARY: Roberti.

22 Chairman Eaton.

23 CHAIRMAN EATON: Aye.

24 I think that -- are there any other  
25 jurisdictions out there?

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1                   MR. SCHIAVO: 56. They've been held over a  
2 couple of months.

3                   CHAIRMAN EATON: Yes.

4                   MR. SCHIAVO: Item Number 56 is  
5 consideration of staff recommendation to correct the base  
6 year for the previously approved Source Reduction and  
7 Recycling Element and consideration of staff  
8 recommendation on the 1997-98 biennial review findings for  
9 the Source Reduction and Recycling Element and Household  
10 Hazardous Waste Element for the City of Hemet, Riverside  
11 County.

12                   Staff recommends approval of the City of  
13 Hemet's 1990 base year and accept the 1997-98 biennial  
14 review findings presented in the City of Hemet's document.

15                   BOARD MEMBER PENNINGTON: Mr. Chairman.

16                   CHAIRMAN EATON: Mr. Pennington.

17                   BOARD MEMBER PENNINGTON: I'll move  
18 adoption of Resolution 2000-114 to approve the base year  
19 correction and accept the 1997-1998 biennial review  
20 findings for the City of Hemet.

21                   BOARD MEMBER JONES: I'll second.

22                   CHAIRMAN EATON: Mr. Pennington moves and  
23 Mr. Jones seconds that we adopt Resolution 2000-114.

24                   Madam Secretary, please call the roll.

25                   BOARD SECRETARY: Board Members Jones.

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1                   BOARD MEMBER JONES:   Aye.

2                   BOARD SECRETARY:   Moulton-Patterson.

3                   BOARD MEMBER MOULTON-PATTERSON:   Aye.

4                   BOARD SECRETARY:   Pennington.

5                   BOARD MEMBER PENNINGTON:   Aye.

6                   BOARD SECRETARY:   Roberti.

7                   Chairman Eaton.

8                   CHAIRMAN EATON:   Aye.

9                   MR. SCHIAVO:   We also have someone here for

10   Agenda Item 53, an award of contract.

11                  CHAIRMAN EATON:   All right.

12                  MR. SCHIAVO:   Item Number 53 is

13   consideration of award of contract to University of

14   California, Davis to develop how-to models and manuals for

15   implementing waste diversion programs at state agencies,

16   public colleges and universities.   This is out of -- as a

17   product of Contract Concept Number 8.

18                  Staff recommends award of contract in the

19   form of an interagency agreement for the development of

20   how-to models and manuals for implementing waste diversion

21   programs at state agencies, public colleges and

22   universities for \$100,000.

23                  BOARD MEMBER JONES:   Mr. Chairman.

24                  CHAIRMAN EATON:   Mr. Jones.

25                  BOARD MEMBER JONES:   And who has the

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1 copyright?

2 MR. SCHIAVO: We do.

3 BOARD MEMBER JONES: That's all I wanted  
4 to hear.

5 I'd like to move adoption of Resolution  
6 2000-119 revised, consideration of award of contract to  
7 University of California, Davis to develop how-to models  
8 and manuals for implementing waste diversion programs at  
9 state agencies, public colleges and universities.

10 BOARD MEMBER PENNINGTON: Second.

11 CHAIRMAN EATON: Mr. Jones moves and  
12 Ms. Pennington seconds that we adopt Resolution 2000-119  
13 revised.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Aye.

19 BOARD SECRETARY: Pennington.

20 BOARD MEMBER PENNINGTON: Aye.

21 BOARD SECRETARY: Roberti.

22 Chairman Eaton.

23 CHAIRMAN EATON: Aye.

24 Okay. I beg your indulgence one more just  
25 to kind of see where we are. We still have Item Number

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1 54 --

2 BOARD MEMBER JONES: 54.

3 CHAIRMAN EATON: -- 57, 59 and then 40 and  
4 45; is that correct?

5 MR. SCHIAVO: Right. Would you like us to  
6 start? We have three more items and we can complete our  
7 section.

8 CHAIRMAN EATON: That leaves us with what  
9 tomorrow?

10 MR. SCHIAVO: That will leave you with just  
11 A, and then the very last items, 57 and 59.

12 CHAIRMAN EATON: Okay. Mr. Schiavo, you've  
13 been a good trooper. We'll let you finish those three  
14 items.

15 MR. SCHIAVO: Okay. Item Number 40 is  
16 consideration of the City of Mammoth Lakes's request for  
17 an extension to a compliance order due date for a new  
18 waste generation study in Mono County.

19 Staff recommends that the Board grant a  
20 request to extend the due date to July 31st to complete  
21 the new waste generation study.

22 BOARD MEMBER PENNINGTON: Mr. Chairman.

23 CHAIRMAN EATON: Mr. Pennington.

24 BOARD MEMBER PENNINGTON: I'll move  
25 adoption of Resolution 2000-60 to approve the extension to

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1 the due date for completing a new waste generation study  
2 to be July 31, 2000.

3 BOARD MEMBER JONES: I'll second.

4 CHAIRMAN EATON: Mr. Pennington moves and  
5 and Mr. Jones seconds that we adopt Resolution 2000-60.

6 Madam Secretary, please call the roll.

7 BOARD SECRETARY: Board Members Jones.

8 BOARD MEMBER JONES: Aye.

9 BOARD SECRETARY: Moulton-Patterson.

10 BOARD MEMBER MOULTON-PATTERSON: Aye.

11 BOARD SECRETARY: Pennington.

12 BOARD MEMBER PENNINGTON: Aye.

13 BOARD SECRETARY: Roberti.

14 Chairman Eaton.

15 CHAIRMAN EATON: Aye.

16 Item Number 45.

17 MR. SCHIAVO: Item 45 is consideration of  
18 staff recommendation to correct the base year for the  
19 previously approved Source Reduction and Recycling Element  
20 and consideration of staff recommendation on the 1997-98  
21 biennial review findings for the Source Reduction and  
22 Recycling Element and Household Hazardous Waste Element  
23 for the City of Stanton, Orange County.

24 Staff recommend that the Board approve the  
25 request to correct the base year and accept the 1997-98

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1 biennial review findings.

2 That concludes my presentation.

3 CHAIRMAN EATON: All right.

4 Ms. Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: I move the  
6 approval of Resolution 2000-30 to correct the base year  
7 for the previously approved Source Reduction and Recycling  
8 Element and consideration of staff recommendation on the  
9 1997-98 biennial review findings of the Source Reduction  
10 and Recycling Element and the Household Hazardous Waste  
11 Element for the City of Stanton, Orange County.

12 CHAIRMAN EATON: All right.

13 BOARD MEMBER JONES: I'll second.

14 CHAIRMAN EATON: All right.

15 Ms. Moulton-Patterson moves and Mr. Jones  
16 seconds that we adopt Resolution 2000-30.

17 Madam Secretary, please call the roll.

18 BOARD SECRETARY: Board Members Jones.

19 BOARD MEMBER JONES: Aye.

20 BOARD SECRETARY: Moulton-Patterson.

21 BOARD MEMBER MOULTON-PATTERSON: Aye.

22 BOARD SECRETARY: Pennington.

23 BOARD MEMBER PENNINGTON: Aye.

24 BOARD SECRETARY: Roberti.

25 Chairman Eaton.

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1                   CHAIRMAN EATON: Aye.

2                   Last, 54.

3                   MR. SCHIAVO: Item 54 is consideration of  
4 approval of the scoring criteria and scoring process for  
5 the 1999-2000 interagency agreements to provide grants to  
6 facilitate state agencies and large state facilities in  
7 implementing waste diversion and recycling programs.

8                   Staff recommends that the Board direct  
9 staff to use the proposed ranking criteria and scoring  
10 process to evaluate applications for the 1999 and 2000  
11 interagency agreements to facilitate state agency and  
12 large state facility waste diversion and recycling  
13 programs.

14                   We have a written comment regarding -- from  
15 California Youth Authority regarding they wanted to use  
16 the money for developing a planning document rather than  
17 implementation of diversion programs.

18                   BOARD MEMBER JONES: Would it be -- they  
19 wouldn't be able to use this money to help them figure out  
20 how to do it?

21                   MR. SCHIAVO: No. It's more a product of  
22 actually doing it.

23                   CHAIRMAN EATON: I just -- I have one other  
24 question. Mr. Schiavo, when we were going through some of  
25 the scoring criteria in the past for other stuff, I think

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1 Senator Roberti had picked up part of it and I'm not sure  
2 if it was green procurement or green building or a  
3 combination of both. Remember, we were going to award  
4 points. Is that in here?

5 MR. SCHIAVO: Yeah. We actually --

6 CHAIRMAN EATON: I didn't see it.

7 MR. SCHIAVO: It's on -- in the preference  
8 criteria in Item Number 7 on page 54-7, if yours is  
9 numbered the same way. We actually expanded that to also  
10 look at recycled content products and reusable products.

11 CHAIRMAN EATON: Okay. I just want to make  
12 sure. We're just trying to be consistent here. I'm  
13 sorry.

14 BOARD MEMBER PENNINGTON: Mr. Chairman,  
15 I'll move adoption of Resolution 2000-129 to approve the  
16 scoring criteria and scoring process for the 1999-2000  
17 interagency agreements to provide grants for fiscal -- to  
18 facilitate state agencies and large state facilities in  
19 implementing waste diversion and recycling programs.

20 BOARD MEMBER JONES: I'll second.

21 CHAIRMAN EATON: Mr. Pennington moves and  
22 Mr. Jones seconds that we adopt Resolution 2000-129 as  
23 revised.

24 Madam Secretary, would you please call the  
25 roll.

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1                   BOARD SECRETARY: Board Members Jones.

2                   BOARD MEMBER JONES: Aye.

3                   BOARD SECRETARY: Moulton-Patterson.

4                   BOARD MEMBER MOULTON-PATTERSON: Aye.

5                   BOARD SECRETARY: Pennington.

6                   BOARD MEMBER PENNINGTON: Aye.

7                   BOARD SECRETARY: Roberti.

8                   Chairman Eaton.

9                   CHAIRMAN EATON: Aye.

10                  Okay. I think that completes all your

11 items and thank you for your patience.

12                  Remaining items, Members, I believe, are

13 what was continued from this morning, which was the report

14 which will take some time, and hopefully Item Number 57 as

15 well as 59. So with that, those are the two items.

16                  Why don't we stand in recess until 9:30

17 tomorrow morning and we'll take up the remaining items and

18 the roll will stay open for Senator Roberti tomorrow

19 morning when he comes in.

20                  BOARD MEMBER PENNINGTON: Mr. Chairman.

21                  CHAIRMAN EATON: I'm sorry.

22                  Mr. Pennington.

23                  BOARD MEMBER PENNINGTON: I was just going

24 to congratulate you on the expeditious manner in which you

25 ran the Board meeting today.

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1 CHAIRMAN EATON: Thank you.

2 BOARD MEMBER JONES: Killer.

3 BOARD MEMBER PENNINGTON: Now that I'm  
4 leaving, you've learned.

5 (Laughter)

6 CHAIRMAN EATON: Absolutely. Absolutely.

7 And I learned not to make the prediction. Finally after  
8 all this I had to get it right the last time.

9 I think there's one point of clarification.  
10 Ms. Nauman.

11 MS. NAUMAN: Mr. Chairman, this might be a  
12 question actually for legal staff. On Item 30 you did  
13 adopt a resolution giving staff direction. We still have  
14 the permit in-house and it was going to be my suggestion  
15 that you just continue that item to the April meeting or  
16 you can continue it to March and then to April so it  
17 continues to be on the agenda just for ease of noticing.

18 CHAIRMAN EATON: By our action today it  
19 would allow us to --

20 MS. NAUMAN: You have tolled the time by  
21 directing us to engage in the CEQA process. The time is  
22 tolled so you can just continue the item to a future  
23 meeting.

24 CHAIRMAN EATON: But what I would like to  
25 be able to do because it was a hard vote, I think for all

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1 of us in many respects that I would like some certainty  
2 that we take as least amount of time as possible for the  
3 entity to be able to do what's necessary for the  
4 circulation to take place and so on and so forth so that  
5 if we have to come back together or whatever, we can do  
6 that.

7 MS. NAUMAN: I assure you that has been the  
8 discussion we have been having both with Mr. Hardy and  
9 with the LEA.

10 CHAIRMAN EATON: Okay. So we will continue  
11 the permit until --

12 MS. NAUMAN: I think you can just keep it  
13 on the March meeting and continue it until April.

14 CHAIRMAN EATON: Mr. Jones.

15 BOARD MEMBER JONES: I have a question. If  
16 the circulation of this document alters the permit, then  
17 doesn't it have to be renoticed?

18 MS. NAUMAN: If that occurred. I don't  
19 expect it to change the project.

20 CHAIRMAN EATON: All right.

21 Stand in recess until 9:30 in the morning.  
22 Thank you, everyone.

23 \* \* \*

24

25

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4 I, Terri L. Emery, CSR 11598, a Certified  
5 Shorthand Reporter in and for the State of California, do  
6 hereby certify:

7 That the foregoing proceedings were taken  
8 down by me in shorthand at the time and place named  
9 therein and was thereafter transcribed under my  
10 supervision; that this transcript contains a full, true  
11 and correct record of the proceedings which took place at  
12 the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest  
16 in the event of the action.

17

18

19 EXECUTED this 16th day of March, 2000.

20

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24

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TERRI L. EMERY

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